



POLICY & PROCEDURE

HOLMEN POLICE DEPARTMENT

SUBJECT: **USE OF FORCE**

SCOPE: All Department Personnel
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POLICY

It is the policy of the Holmen Police Department that all sworn law enforcement officers shall use only the amount of force reasonably necessary to accomplish a lawful law enforcement objective, such as but not limited to:

1. Where applicable, the enforcement of all state and federal laws and all county and municipal ordinances.
2. To protect oneself when there is a reasonable cause to believe one is in imminent danger of physical harm.
3. To protect another, or the community, where the officer has reasonable cause to believe that there is imminent danger of physical harm.
4. To protect property of others when the officer reasonably believes such property is in danger of being unlawfully damaged, or stolen.
5. To assist other Law Enforcement Agencies with their lawful law enforcement objectives.

Once the lawful objective has been accomplished, the application of any physical force shall cease immediately. Only reasonable force shall be used to maintain control once the suspect(s) has ceased resisting.

Physical force shall never be used as a form of discipline (punishment), or in response to mere verbal provocation by a subject, or as a form of retaliation against a subject.

Application of force shall be based on the intervention options specified in Wisconsin's

Disturbance Resolution Model. Lesser force options such as presence and dialogue (which are non-physical options) shall be used to the greatest extent possible. Physical force options shall only be used if non-physical force options have proven ineffective, or would clearly be ineffective in a given situation.

There shall be appropriate follow through to all situations involving the application of physical force. Follow through shall include the stabilization of the suspect(s), monitoring the suspect(s) for injuries, provision of appropriate medical care, search of suspect(s) for weapons, or contraband and, as necessary, escort to a different location such as hospital, or jail.

All incidents involving physical force shall be properly documented with a detailed incident report. A supervisor shall be notified if the use of force results in injury to the suspect(s), or the officer(s).

DEFINITIONS

- Deadly Force*: 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.
- Justification for deadly force*: Behavior which justifies your use of deadly force is that which has caused, or imminently threatens to cause, death or great bodily harm to you, another person or persons.
- Non-deadly force*: Any application of force that would not be considered deadly force.
- Active resistance*: Active resistance occurs when an officer encounters behavior which physically counteracts his or her attempt to control and which creates risk of bodily harm to the officer, subject, and/ or other person.
- Passive Resistance*: Non-compliant, non-threatening behavior.
- Bodily Harm*: Defined by s. 939.22(4) Wis. Stats. It means physical pain or injury, illness, or any impairment of physical condition.
- Great Bodily Harm*: Defined by s. 939.22(14) Wis. Stats. It means bodily injury which creates a substantial risk of death risk of death, or which causes serious permanent disfigurement, or which causes protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

PROCEDURES

1. Justification for application of force.

- a. In determining whether an officer can use force, the officer must determine if legal justification exists. Otherwise, any force the officer uses may be excessive. The officer must also determine if it is desirable to control the situation at that moment. If not, the officer should consider disengaging and waiting for additional assistance before approaching. If the officer is in a situation and unable to disengage the officer may escalate to a reasonable higher level of force.
- b. Officers will not use physical force against subjects for any of the following reasons.
 - (1) To discipline, or punish.
 - (2) In response to verbal or gestured provocation alone – that is in response to something that a subject has said. This includes derogatory, racist, sexist, or other unwelcome remarks, or hand gestures.
 - (3) As retaliation against a person for something which the person has said or done.
- c. If the officer is in doubt about the justification for the application of force in a particular situation, the officer, if he/she has the time, will check with a supervisor. In case of critical incident, a supervisor shall be contacted.

2. Application of force: General principles.

- a. Once an officer has determined that there is legal justification for the use of force, the officer must then determine the appropriate level of force to apply. In making this determination, the officer will take into account the following threat assessment factors:
 - (1) The amount of force, or resistive tension the suspect threatens, or actually uses, including whether or not suspect has a weapon.
 - (2) Reasonable perception of the danger (early warning signs and pre-attack postures) also taking into account the relative abilities of both the officer and the suspect to inflict harm, or defend one's self. Some factors to consider when determining reasonable perception to danger include:
 - (a) Officer / Subject factors. (Age, number of officers/number of subjects)
 - (b) Strength differences.
 - (c) Size differences.
 - (d) Differences in skill level.

- (e) Presence of injuries and disabilities to the officer, or suspect.
 - (f) Exhaustion.
 - (g) Extent to which help from other officers, or other law enforcement agencies are readily available, or not available.
- b. Based on these factors, the officer will apply a reasonable amount of force to effect control in a given situation based on the force levels in [Section 3.b. \(1\)\(a\) through \(e\)](#) to accomplish the objective. However, officers may escalate rapidly through the Intervention Options based on initial and evolving assessment of threat from the suspect(s). Officers may use a higher level of force to begin with, if it is clearly apparent that a lesser force level would be ineffective to accomplish the objective of controlling the suspect.
- c. Once the application of force has resulted in accomplishment of the law enforcement objective, the officer will cease that level of force, and only use that level of force that is reasonable to maintain control. If the suspect has ceased resisting, the officer's level of force must cease as well. If the suspect then resumes resistance, reasonable force may be reapplied as necessary to regain control of the suspect.
- d. Additionally, officers will observe the following general principles in regard to application of force:
- (1) It is appropriate to disengage from a dangerous situation when possible, rather than have a physical confrontation. To "disengage" means to physically move away from a situation, where one cannot control, or has lost control. The officer can disengage temporarily, so that he/she can reevaluate the situation and perhaps summon additional resources or the officer can escalate to higher level of force to regain control.
 - (2) It is more effective to use team tactics (multiple officers, or other available law enforcement personnel) when the officer reasonably believes through his/her threat assessment, or prior knowledge that the suspect will become combative. Using team tactics minimizes the likelihood of injury to both officer(s) and suspect(s).
3. Application of force: Specific techniques.
- a. Officers encountering a situation requiring the use of force will try to get the suspect(s) to comply through use of presence and dialogue. These options should be tried before the application of any physical force occurs.

- (1) Presence refers to the officers simply being present on the scene. This fact alone may cause a suspect(s) to comply.
 - (2) In some cases, presence may involve a “show of force” by several officers, or assisting law enforcement agencies to get the suspect(s) to comply voluntarily to a lawful order.
 - (3) Dialogue refers to talking with the suspect to get him or her to comply with your lawful order. This is also known as “Verbalization” or “Professional Communications”.
 - (4) An officer shall not use verbalization to provoke a subject to react. The officers must also control themselves and not take insults by subject(s) personally. The officer’s goal is to have subject(s) “voluntarily comply.”
- b. If presence and/or dialogue do not work to gain cooperation from a resistive or combative suspect, or if presence and dialogue would clearly be ineffective in a situation, the officer may escalate to physical force option to gain, or regain control of a situation. The non-deadly force, physical force options in the defensive and arrest tactics include:
- (1) Empty hand control techniques which are techniques not involving the use of an impact weapon. These techniques include:
 - (a) Escort holds:
 - 1) Blanket the arm technique
 - 2) Escort position.
 - (b) Compliance holds:
 - 1) Come along techniques
 - 2) Pressure point application
 - (c) Control Devices:
 - 1) Oleoresin Capsicum (O.C.) Aerosol Spray
 - 2) Electronic Control Devices (Taser)

Used only to overcome active resistance or its threat.

NOTE: [Refer to OC Spray Policy 1.5.](#) and [Taser Policy 1.6.](#)

(d) Passive countermeasures (decentralization of subject – that is, directing subject to the ground/floor.)

(e) Active countermeasures:

1) Stunning techniques. Creation of a temporary dysfunction of the cardiovascular system by directing suspect into a wall or other surface.

2) Focused strikes. Hand strikes, forearm strikes, knee strikes, kicks, combination, or multiple strikes.

3) Incapacitating Techniques: Diffused Strike

(2) Intermediate weapons: Impact weapon, i.e. police baton (collapsible or straight stick baton.); Specialty Impact Munitions

4. Deadly Force

a. The officer will only apply deadly force:

(1) As a last resort in defense of oneself when there is reasonable cause to believe that he/she is in imminent danger of death, or great bodily harm.

(2) As a last resort in the defense of another person whom the officer has reasonable cause to believe is in imminent danger of death, or great bodily harm.

(3) As the final alternative when other reasonable alternatives have proven ineffective, or would clearly be ineffective in a given situation to affect the arrest, or prevent the escape of a suspect whom the officer has probable cause to believe has committed or attempted to commit a serious felony. Where the use of deadly force, or the threatened use of deadly force was used and non-apprehension creates an unreasonable risk, or significant threat of death, or great bodily harm to the officer, another, or the community at large.

(4) As a last resort to dispatch a seriously injured animal.

(5) Warning shots are prohibited.

b. Officers may use the following tactics in the application of deadly force:

- (1) Firearm. The use of a firearm is the most common method of deadly force. Only certified law enforcement officers will be armed with a firearm.
NOTE: [Refer to policy 1.9.](#)
 - (2) Weapons of opportunity. (conventional or non conventional)
 - (3) Trained or untrained technique justified under the circumstances.
 - (4) Ramming. [Refer to Pursuit Policy 3.2, Pursuit Tactics.](#)
- c. Deadly force is justified only when there is no other reasonable alternative to prevent death, or great bodily harm from being inflicted. Such justification exists only when the suspect meets the imminent threat criterion that displays the following:
- (1) Has displayed, or indicated **intent** to cause death, or great bodily harm to you or another person(s).
 - (2) Has a **weapon** capable of inflicting death, or great bodily harm. (Conventional or non-conventional weapon.)

NOTE: In a confrontation, a subject may behave in such a manner that an officer can reasonably believe the suspect is armed with a concealed dangerous weapon. Based on the officer's threat assessment, coupled with proper verbal commands, if the suspect makes a motion that indicates the suspect is armed and threatens the officer, the officer can reasonably believe suspect is armed.
 - (3) Has the means or **delivery system** for the utilization of that weapon, or has the capacity for the utilization of that weapon.
- d. After meeting the criterion of imminent death, the officer now must preclude any reasonable alternatives. Once this is done, the officer must now meet target requirements:
- (1) First, the officer must have **target acquisition**. That is to know where your target is.
 - (2) Second, the officer must have **target identification**. That is, did you identify the specific subject(s) that is placing you and/or others in imminent danger?
 - (3) Third, the officer must have **target isolation**. That is, the officer must make every effort to isolate the target from innocent persons and be aware what is behind the target.

- (4) NOTE: There is an exception to the target isolation rule. This would apply if a failure to shoot would put innocent persons, you and/or other officers in greater danger of death or great bodily harm.
 - e. When the suspect meets the criterion of “imminent threat” and no other means of apprehension/arrest is possible, verbal warning should be given, unless unfeasible to do so in the particular circumstances, before deadly force is used.
5. Follow through to the use of force: Following any situation involving the use of force, the officer(s) involved will initiate appropriate follow through procedures to ensure safety and welfare of the suspect(s). Follow through procedures to be initiated include:
- a. Stabilization of suspect(s) and scene.
 - (1) Be sure that resistance has stopped and everyone is safe from further physical assaults.
 - (2) Be sure that the scene is calm and that any items of possible evidence are not disturbed.
 - (3) Apply restraints to lawfully arrested suspects. Restraints generally include handcuffs, or flex cuffs, but can also include leg restraints, if necessary.
 - (a) All suspects taken into custody and transported shall be handcuffed behind the back unless extenuating circumstances due to medical or health problems exist.
 - (b) Handcuffs shall be placed on tightly enough to ensure suspect arrested cannot slip his/her hands out, but not so tightly that injury could occur. Should the suspect complain that handcuffs are too tight; officers should inspect the handcuffs and make the appropriate adjustments, if necessary to prevent injury to suspect.
 - (c) When handcuffs and/or leg restraints are used, they shall be safety-locked.
 - (d) Suspects shall not be hog tied and placed facing down in squad.
 - b. Monitoring the suspect(s) for injuries and provide for medical assistance.
 - (1) Perform an initial assessment to determine if injuries are present and if so, what the extents of such injuries are. In performing the assessment:
 - (a) Determine suspect’s level of consciousness.

- (b) Check airway, breathing and pulse.
 - (c) Perform a body check for bleeding, gross deformities (broken bones), etc.
 - (2) Provide first aid and/or cardiopulmonary resuscitation, as necessary.
 - (3) If necessary, call for medical assistance. This may include emergency medical assistance.
 - (4) Continue to stay with the suspect and monitor him/her as long as necessary.
- c. Search of suspect(s).
- (1) Once the suspect(s) has been stabilized and restrained, conduct a thorough search for weapons and/or contraband. Check all clothing carefully.
 - (2) If strip search seems warranted, contact supervisor and follow guidelines for searches as specified in [1.11: Strip Searches](#).
- d. Escort suspect(s).
- (1) Once suspect has been searched, he/she will be escorted to a transportation vehicle, whether it is by squad or ambulance, depending on the circumstances. Suspect will then be transported directly to the appropriate location.
 - (2) In transporting suspect(s), your main goals are to ensure the suspect's safety, prevent escapes and to prevent injury.
- e. Handcuffing & Transport suspect(s).
- (1) All persons arrested will be handcuffed and searched before transport.
 - (a) Exceptions of handcuffing
 - 1) Medical reasons or physical disabilities when handcuffing is not practical or may cause injury
 - 2) If the officer is unable to handcuff the person behind their back for exceptional reasons, the subject should be restrained in another reasonable manner.
 - (2) No person shall be "hog-tied". Leg restraints are available in all patrol vehicles.

- (3) Lawfully arrested suspect(s) being transported shall be carefully placed in the back seat of a squad car, unless extenuating circumstances are present.
- (4) Suspect(s) should be seated in upright position and seat belted whenever practical.
- (5) Suspect shall not be placed face down on the back seat of the squad car.
- (6) In the case of a combative suspect, an officer may use appropriate control techniques and it is recommended that a second officer ride with the suspect in the back seat if transporting in a squad with no cage and other means of transportation is not available.
- (7) The transporting officer shall stay with and not lose sight of the arrested person
- (8) The arrested person shall not communicate with others except officers while in transport.
- (9) Officers transporting individuals of the opposite sex will give the Emergency Dispatch Center the following information:
 - (a) Beginning and ending mileage
- (10) Police vehicles used in transport will be searched at the beginning of each shift, prior to and after transporting prisoners.
- (11) All police vehicles used to transport arrested persons will have a safety barrier dividing the driver from the arrested person and the rear door handles and window buttons inoperable from the inside.
- (12) Whenever practical if one officer is transporting an arrested person, the arrested person shall be seated in the rear passenger side seat. If there are two officers transporting, the arrested person shall be seated in the rear driver's side seat.
- (13) Following the escape of a person being transported, the transporting officer will do the following:
 - (a) Notify the Emergency Dispatch Center, the on duty or on call supervisor.
 - (b) Notify the jurisdiction where the escape occurred.
 - (c) Complete an incident report.

f. Releasing of prisoner.

- (1) When turning the suspect over to the jail staff and the suspect is cooperative, prior to removal of restraints officer must check with jailer. Jailer will conduct a search prior to the removal of restraints.
- (2) When turning over a combative suspect, the officer will assist the jail staff in escorting the suspect to a designated cell and with the removal of any restraints.
- (3) The officer(s) must check with the jail staff, prior to leaving subject at the jail.

g. Documentation of use of force.

- (1) Following any incident involving the use of force against a suspect(s), the officer(s) involved will complete an incident report, which accurately and thoroughly describes all aspects of the situation. The officer(s) will, at the minimum, include the following elements in the report.
 - (a) Background information: Date and time of the incident, exact location of the incident and names of everyone involved (suspect(s), officers, and other law enforcement agencies and any witnesses).
 - (b) Approach factors: Information about factors involved in the incident prior to the application of force. Example: Incident assignment from Dispatch, officer's approach to the situation, assessment of the threats and reasons the officer felt force was necessary.
 - (c) Use of force: Specific information about the application of force, including:
 - 1) Description of suspect's behavior and officer's actions in response to that behavior.
 - 2) Level(s) of force applied and reasons for that. This section of the report should clearly indicate each level of force that was used. (Example – presence, dialogue, empty hand control techniques, intermediate weapons, deadly force, etc.) There should be an explanation of any escalation of force levels based on suspect's behavior.
 - 3) Information about any special circumstances relevant to the incident, such as a sudden assault by the suspect, suspect's ability to rapidly escalate force, multiple suspects, prior knowledge of suspect's behavior, and any other information about the suspect(s), or officers such as officer's injury, exhaustion, etc. Such

information may be important in justifying the officer's action in a situation.

- 4) Follow through: Specific information about all the follow through steps taken following the use of force, including:
 - a) Stabilization of subject(s) and scene and whether or not restraints were applied. If restraints were applied, what were they (handcuffs, flex cuffs, leg restraints), and how were they applied (cooperative handcuffing, compliant handcuffing, three point ground control, or emergency ground control handcuffing/restraint).
 - b) Whether suspect(s) was monitored for injuries and if so, what results of such monitoring was.
 - c) Whether any first aid or other medical assistance was provided, and if so, by whom.
 - d) Result of the search of the suspect(s) for weapons and/or contraband.
 - e) Whether suspect(s) was escorted to different location and if so, what that location was. If suspect(s) transported by another officer or agency, document that information.
- 5) Investigative findings: Any information about the suspect(s) involved in the incident learned in the officer's preliminary investigation, or from the officer's prior knowledge of the suspect(s) which would help put the incident in its proper perspective. This could also include information about a suspect's medical, or psychological history, witness's statements, threats, previous behaviors, or other incidents in which the suspect(s) was involved.

6. Discharge of firearm: Accidental or intentional.

- a. Whenever an officer is responsible for an unwanted (accidental) or intentional discharge of a department issued or approved firearm, other than on an approved range or dispatching an animal under department policy, the following procedures are to be followed:
 - (1) Stabilization of the scene, that is, ensure scene is safe for all persons involved and then provide medical treatment, thus following the procedures of "follow through" considerations.
 - (2) Immediately notify the Chief or Lieutenant of the situation.

- (3) Protect the scene of the shooting as you would any other crime scene. NO ONE is allowed in except of the minimum number of medical/law enforcement personnel. [See Policy 4.8 Protection of Crime Scene.](#)
- (4) There are situations where the officer(s) should be removed from the scene. This will be left to the discretion of the officer in charge of the scene.
- (5) Any officer who used force which results in death or bodily injury may be assigned special administrative duties, or be placed on administrative leave of absence by the Chief, or person designated by the Chief. The officer will remain on special assignment or administrative leave until such time the Chief, or his/her designee determines the officer should return prior to their status.
- (6) In all circumstances except as indicated in this policy, an officer(s) will file an incident report if their firearm is discharged while on, or off duty except while in the course of firearms training.

7. Dispatching of animals:

- a. Any officer who discharges his/her weapon to dispatch an animal for humane reasons shall fill out a Weapon Discharge Report.
- b. Prior to dispatching the animal, the officer should notify Dispatch.
- c. If at all possible, an attempt should be made to contact the owner of the animal, should it be a domesticated animal.
- d. The animal should be shot in the back of the head, as this is the most humane. If rabies is suspected, don't shoot the animal in the head, as the head may be needed for analysis.

8. Use of Force Review:

- a. **DEPARTMENT OF CRIMINAL INVESTIGATION will investigate the following incidents:**
 1. The accidental, or intentional use of deadly force by an officer, whether or not injury or death occurs.
 2. All incidents resulting in great bodily harm to a person(s) by an officer's use of force.

- b. The Use of Force Review shall consist of the following personnel:
 - i. Chief.
 - ii. Lieutenant.
 - iii. Firearms Instructor.
 - iv. DAAT Instructor.
 - v. Designee from District Attorney's Office.
 - vi. One member selected by the Chief.
 - vii. One officer from selected by the officer/s involved.
- c. If the officer involved is incapacitated and cannot designate an officer to serve on the review team, the Chief will direct the officer's supervisor to select an officer to represent the involved officer. The selected is subject to the approval of the involved officer, should the officer cease to be incapacitated prior to the completion of the investigation.
- d. Use of Force Review Team Duties:
 - i. The Use of Force Team shall investigate all of the following incidents:
 - 1. All incidents involving the unintentional or intentional discharge of a department or personal approved firearm. Incidents in which officer dispatches an animal are excluded unless injury or property damages occur.
 - ii. A complaint received from a citizen alleging that an officer used excessive force resulting in an injury to a person. This complaint shall be referred to the Lieutenant.
 - iii. The Use of Force Review Team shall also investigate any incidents involving the use of force by an officer when so directed by the Chief or a supervisor.
- e. Use of Force Review Team Investigation:

- i. Upon notification, the Lieutenant, or designee shall notify all members of the Review Team to report to a designated place and will begin and investigation of the incident as soon as possible.
 - ii. If the incident resulting in the use of force has not been resolved, the supervisor on duty shall respond to and secure the scene until arrival of the Review Team. Officers on the scene not assigned to the Review Team shall be limited to resolving the emergency situation, if one still exists. Officers may assist in preserving items of evidence, isolating witnesses, officers, and/or other agency officers involved in the incident, if needed and such other duties as may be directed by Chief, Lieutenant or designated supervisor in charge.
 - iii. Upon concluding their investigation, the Review Team shall submit to the Chief a report of the team's findings and final conclusion. The report shall include the following:
 - 1. Description of how the investigation was conducted.
 - 2. Listing of all the facts established by the investigation.
 - 3. Any points of disagreement between Review Team members.
 - 4. Recommendation of commendation, or discipline, if applicable.
 - 5. The conclusion of the report will contain one of the following findings:
 - a. Justified and consistent with department policy.
 - b. Justified contrary to department policy with extenuating circumstances present.
 - c. Unjustified contrary to department policy.
- b. Disclaimer: This policy is for internal use only and is not intended to increase 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 with respect to third party claims of any kind or nature. Violations of this policy may form the basis for departmental administrative action, but such action is not intended for use in the courts of civil or criminal jurisdiction.

Chief of Police
Shane Collins