

TOWNSHIP OF OSCEOLA POLICE DEPARTMENT		POLICY: USE OF FORCE	
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I. PURPOSE

The purpose of this document is to establish a policy for the use of force by sworn personnel of the Township of Osceola Police Department to effect the detention, seizure, or arrest of a person. When it becomes necessary during the performance of the sworn officer’s official duties to use force, it shall be no more than is reasonable and necessary to accomplish their objectives. Proper use of force as established within this policy will ensure due process for citizens as well as provide protection for the officer and the agency.

II. POLICY

It is the policy of the Township of Osceola Police Department that any use of force demonstrated will be reasonably necessary to achieve lawful objectives. The State of Wisconsin Law Enforcement Standards Board has established standards and a training guide for the training of police officers in defense and

arrest tactics. The force used shall be in accordance with the Constitution of the United States, the Constitution of the State of Wisconsin, the State of Wisconsin Law Enforcement Training and Standards Board, Osceola policy, and the officer's training.

III. DEFINITIONS (p.117-138 of DAAT Glossary):

CONTROL: Managing the subject or situation through several different means that are available to an officer; the purpose of an officer's use of Defensive and Arrest Tactics (DAAT) is control. It is important to remember that control has three key components:

1. Control is a perception based off of an officer's training, experience, and the overall situation.
2. Control is not a 50/50 proposition.
3. Above all, police action is to balance safety and efficiency.

CONTROL PROCESS: Achieving control of a contact or situation through presence and dialogue, or, if necessary, through physical intervention.

DEFENSIVE AND ARREST TACTICS (DAAT): A specific system of verbalization skills coupled with physical alternatives, formulated, approved, and governed by the State of Wisconsin Law Enforcement Training and Standards Board.

INTERVENTION OPTIONS: Techniques recognized by the DAAT system that fall into three acceptable options when an officer uses force:

1. A trained technique (the classroom model)
2. A dynamic application of a trained technique (not quite the classroom model, but applied as closely as possible under the circumstances).
3. A technique not trained but justified under the circumstances.

DEGREES OF FORCE:

1. Reasonable Force: A physical act by an officer in the performance of duty when it is used to accomplish the legitimate law enforcement objective of control, and the level of force used is reasonable considering all the facts and circumstances known to the officer at the time of the incident.
2. Non-Deadly Force: Any use of force other than that which is considered deadly force, not intended nor likely to cause death.
3. Deadly Force: The intentional use of a firearm or other instrument, the use of which would result in a high probability of death.

IMMINENT THREAT: Means an act is about to happen. Imminent threat means an immediate threat, ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

For a subject's threat to be considered imminent, it must meet all of these criteria:

1. Intent: Either implied or displayed intent, to cause death or great bodily harm to the officer or to another person.
2. Weapon: the subject is capable of inflicting death or great bodily harm and has opportunity and means – with or without an actual weapon.
3. Delivery System: a mode in which the suspect has the capability to utilize means of inflicting death or great bodily harm.

PASSIVE RESISTANCE: Non-compliant and non-threatening behavior.

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(s).

OBJECTIVE REASONABLENESS STANDARD: The standard established by the U.S. Supreme Court in *Graham V. Connor* (1989) says that the reasonableness should be judged under the totality of the circumstances from the perspective of a reasonable officer at the scene with similar training and experience. The three elements of this standard are as follows:

1. The severity of the alleged crime at issue.
2. Whether the suspect poses an imminent threat to the safety of officers and/or others.
3. Whether the suspect is actively resisting or attempting to evade arrest by flight.

TARGET REQUIREMENTS: If an officer perceives that behavior exhibited by a subject has forced/justified a deadly force response and that all other options except deadly force are closed, shall identify the following target requirements prior to discharging a firearm:

1. Target Acquisition: Acquiring a target to shoot at.
2. Target Identification: Identified a target as an imminent threat.
3. Target Isolation: You can fire at the target without the danger of harming innocent persons.

***GREATER DANGER EXCEPTION**: The one exception to the requirement for target isolation. This exception allows you to shoot without target isolation if the consequences of not stopping the threat would be worse than the possibility of hitting an innocent person.

DEADLY FORCE JUSTIFICATION: Is behavior which has caused, or imminently threatens to cause death or great bodily harm to you or another person(s) – and all other reasonable modes and tactics have been exhausted or would otherwise be ineffective – where the only option open to the officer is the use of deadly force.

BODILY HARM (§939.22(4)): Physical pain or injury, or impairment of physical condition, but less severe than great bodily harm.

GREAT BODILY HARM (§939.22(14)): 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.

UNTRAINED TECHNIQUES: An option not covered under the DAAT system or by Osceola policy, but may be justifiable under the circumstances.

DISTURBANCE RESOLUTION MODEL: The outline that presents a more specific model of how to proceed when responding to any sort of disturbance or potential disturbance, as devised by the State of Wisconsin Law Enforcement Standards Board in the Defensive and Arrest Tactics manual. SEE ATTACHMENT

EXCITED DELIRIUM SYNDROME: A state of extreme mental and physiological excitement characterized by extreme agitation, hyperthermia, hostility, and exceptional strength and endurance without apparent fatigue. (see: Medically Significant Behavior)

IV: JUSTIFICATION FOR THE USE OF FORCE

A.) The purpose of the officer’s use of force, as determined by the State of Wisconsin Law Enforcement Standards Board in the Defensive and Arrest Tactics (DAAT) manual, is to establish control. A sworn law enforcement officer may use force legitimately when needed to achieve control in five specific situations:

- 1.) To achieve and maintain control of resistive subjects
- 2.) To detain persons reasonably suspected of criminal behavior
- 3.) To make lawful arrests
- 4.) To defend themselves or others
- 5.) To prevent escape

***The decision to use force and the amount of force to be used should be based on the totality of the circumstances of the incident.**

B.) A sworn officer will not be justified in the use of force for any of the following reasons:

- 1.) In response to verbal provocation or offense
- 2.) To retaliate or “get back” at a subject for something said or done
- 3.) To “teach a lesson” to the subject

V: INTERVENTION OPTIONS

In determining the amount of force to be used officers may use one level of force higher than that being used or threatened against them. The amount of force an officer may use should be based on the following intervention options:

1. PRESENCE: The first mode. Presence reflects the fact that sometimes all that is needed to control a situation is the presence of an officer. The purpose of this mode is *to present a visible display of authority*.
2. DIALOGUE: The second mode. Dialogue covers the range of tactical communication from very low-level questioning to very directive commands. The purpose of dialogue is to *verbally persuade* subjects to comply with an officer’s lawful directives.
3. CONTROL ALTERNATIVES: The third mode. It contains a wide range of tactics and tools for controlling subjects. The purposes of Control Alternatives are to *overcome passive resistance, active resistance or its threat*. The tactics within the Control Alternatives are:

<i>Tactic</i>	<i>Goal</i>
Escort Holds	To safely initiate physical contact
Compliance Holds	To overcome passive resistance
OC / ECD	To overcome active resistance or its threat
Passive Countermeasures	To decentralize

4. PROTECTIVE ALTERNATIVES: The fourth mode. It contains a wide range of tactics and tools for protecting officers managing resistive/assaultive subjects. The purpose of a Protective Alternative is to *overcome continued resistance, assaultive behavior or its threat*. The tactics within the Protective Alternatives are:

<i>Tactic</i>	<i>Goal</i>
Active Countermeasures	To create dysfunction
Incapacitating Techniques	To cause the immediate, temporary cessation of violent behavior
Intermediate Weapons	To impede

5. **DEADLY FORCE:** The fifth mode. Deadly Force represents the highest level of force available to law enforcement officers with the purpose *to stop the threat*. Deadly Force is *the intentional use of a firearm or other instrument, the use of which would result in the high probability of death*. The definition of subject behavior that justifies an officer's use of deadly force is any behavior *which has caused or imminently threatens to cause death or great bodily harm to you or another person or persons*.

VI: **CHOKER HOLD:** The use of a choke hold, which is the intentional and prolonged application of force to the throat or windpipe, is limited to circumstances where deadly force is authorized and if applied, is subject to the same guidelines and requirements as a carotid control hold (Wis. Stat. 66.0511)

VII: MEDICALLY SIGNIFICANT BEHAVIOR

A.) Medically Significant Behavior is its own category here as officers should expect to use force not just on citizens physically acting out, but citizens acting out while impaired due to the presence of a medical condition, a drug or substance, or all of the above. Medically Significant Behavior is dangerous to the officer, to the public, and to the suspect. While understood that the individual's condition necessitates quick medical intervention to prevent injury and/or death, the safety of the responding officer(s) and bystanders comes first.

- 1.) Excited Delirium Syndrome (see: Definitions) has been the most common medically significant behavior observed by officers as well as behavior subject to the use of force. Excited Delirium signals that the aggrieved individual is experiencing an extreme medical emergency that could lead to serious injury and/or death. Here are the guidelines for addressing Excited Delirium:
- 2.) Treat as a medical emergency
- 3.) Get EMS dispatched prior to confrontation and have them stage in area or close to
- 4.) Avoid confrontation (if possible)
- 5.) Request multiple backup officers
- 6.) If confrontation is unavoidable, end confrontation quickly using available training and tools
- 7.) EMS transport to hospital

VIII: THE USE OF FORCE

A.) The department adopts the use of the DAAT system and Disturbance Resolution Model (see: Section X) concepts, techniques, and teachings for the foundation of its policy in the use of force and how the force is administrated. As such, officers of this department shall, in response to or while involved in any incident, strictly adhere to and follow these concepts, techniques, and teachings as provided during DAAT, firearms, and/or other use of force training.

1. Authorized Equipment
 - a. Unless emergency circumstances exist, officers shall only use or carry authorized equipment and weapons
 - i. Taser – See Policy
 - ii. OC – See Policy
 - iii. Firearms – See Policy
2. General Guidelines
 - a. Officers shall not brandish or threaten the use of any control device, impact weapon, canine, or firearm, unless the use of force would be justified or objectively reasonable.
 - b. Officers shall not continue to use force beyond that which is objectively reasonable to maintain control once the person has stopped resisting and control of the person has been established.
3. Use of Deadly Force
 - a. Officers are granted the ability to use deadly force if any of the following are present:

- i. Imminent threat of great bodily harm or death to the officer or to another person (see: Definitions – Imminent Threat).
- ii. A person has caused or attempted to cause great bodily harm or death to another person and is still an uncontrolled threat (see: Definitions – Objective Reasonableness Standard).
- iii. Target requirements are present prior to discharging the firearm (see: Definitions – Target Requirements).
- iv. If discharging a firearm falls under one of the exceptional circumstances for use of force (see: IX. Special Circumstances – Exceptional Circumstances).

IX: SPECIAL CIRCUMSTANCES TO THE USE OF DEADLY FORCE

A.) Exceptional Circumstances

There are exceptional circumstances for an officer to discharge a firearm:

1. Greater Danger Rule – This exception permits an officer to fire at an imminent threat without target isolation if the consequences of not stopping the threat would be greater than the possibility of striking a third party.
2. Target Specific Directed Area Fire – This is 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 who you cannot clearly observe. Examples include but are not limited to:
 - a. Officers cannot see the concealed shooter but are able to see muzzle flash, smoke, or other indicators of an imminent threat present.
 - b. Officers or citizens are receiving fire with no reasonable means of retreat.
 - c. Officers or citizens are wounded and/or are exposed in a vulnerable location and in need of evacuation to a safer location.
 - d. Officers need to traverse a hostile and vulnerable area to a position of tactical advantage.

*Before using target-specific directed area fire, officers must meet the imminent threat criteria and preclusion requirement. Deputies must also achieve the target requirements or satisfy the Greater Danger Exception and need to identify the target as the correct target by clear indicators of his/her location.

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

1. During range practice or competitive sporting events.
2. To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal has been seriously injured.

An officer will **NOT** be justified in using deadly force under the following exceptions:

1. When in doubt if the use of force is necessary.
2. As a warning – Warning shots are prohibited.
3. From or at a moving vehicle, absent exigent circumstances making this the only means available to defend the officer or another person from death or great bodily harm.
4. When the officer's use of deadly force creates a greater risk of death or great bodily harm to innocent third parties than does to the perpetrator.
5. Whenever an officer is in doubt as to whether or not he/she has the legal justification to use deadly force.

X: AFTERMATH IN THE EVENT OF USE OF FORCE

The department has established that their officers have responsibilities after using force.

1. Restraints
 - a. Generally, all subjects taken into custody by officers of the department will be handcuffed, or otherwise physically restrained.
 - b. Handcuffing of a subject is mandatory in any situation in which:

- i. The subject attacks the officer.
 - ii. The subject resists arrest; or
 - iii. The subject in any way poses a threat to the officer or others.
 - c. Whenever possible, handcuffs should be applied with the subject's hands behind his back and the handcuffs safety-locked. If claim to injury or preexisting condition is made to avoid being handcuffed in the back, officers will make every effort possible to obtain a transport belt prior to handcuffing the subject in front. This will prevent injury and reduce the likelihood of handcuff removal by the subject as well as any unwanted attacks by the subject towards the officers.
 - d. Officers will remain cognizant that when a subject is handcuffed and in a prone position, positional asphyxiation is a possibility. When a subject is physically controlled and handcuffed, his/her condition shall be routinely observed and monitored.
2. First Aid/Medical
 - a. Officers who use force against a person shall ensure the subject is monitored for injury as soon as the scene is secured.
 - b. Determine the subject's level of consciousness, using verbal or physical stimulus.
 - c. Check breathing, airway, and circulation.
 - d. Perform a body check for injuries.
 - e. If an injury is observed or reported by the person, officers shall provide first aid and/or request medical assistance as needed.
 - f. Continue to closely monitor and remain with the subject until they are turned over to a competent authority. Officers should find out if there is a need for long-term monitoring of the subject because of special medical or mental health needs.
 - g. A description of the injuries incurred by the arrested subject and all medical treatment provided or made available will be included with the incident report detailing the use of force.

XI. REPORTING THE USE OF FORCE

- A.) Whenever an officer is responsible for an accidental or intentional discharge of a firearm while on or off duty (other than during firearms training, hunting, or participation in sporting or recreational events), the accidental or intentional use of force by any means, or any of the actions in Section 4, the following notifications and reports shall be made:
1. Intentionally discharged at a person:
 - a. The officer shall notify an on-duty supervisor as soon as possible.
 - b. The supervisor shall make further notification.
 - c. The officer, unless incapacitated, shall complete a use of force report describing the incident. If the incident occurred while the officer was off duty, these reports will be completed at the direction of the on duty supervisor.
 - d. The supervisor shall complete a Use of Force Supervisor Summary.
 2. Accidental discharge not resulting in injury:
 - a. The officer shall immediately notify an on duty supervisor. The officer shall complete a use of force report to submit to the chief or his/her designee documenting the details of the incident.
 - b. The chief or his/her designee may decide to initiate an investigation into the accident.
 3. Accidental discharge resulting in injury:
 - a. The officer shall immediately notify an on duty supervisor. The officer shall render first aid or activate EMS as necessary.
 - b. The officer shall complete a use of force report to submit to the chief documenting the details of the incident.

- c. The chief initiate an investigation into the incident.
 4. Any other Intervention Option as listed below:
 - a. OC Spray
 - b. Decentralization Techniques
 - c. Conducted Energy Weapon (CEW)
 - d. Active Countermeasures
 - e. Incapacitating Techniques
 - f. Impact Weapons
 - g. Kinetic Energy Impact Weapons
 - h. Firearms/Deadly Force
 - B.) The chief should respond to the scene. The chief or his/her designee shall monitor the situation and take any immediate action as deemed necessary.
 - C.) In addition to any other reporting requirements in this policy:
 - 1.) Whenever an officer intentionally uses force against a person that results in, or is alleged to have resulted in, injury to a person, the officer shall prepare an offense report describing the circumstances surrounding the use of force.
 - 2.) Whenever an officer intentionally uses force against a person that results in death or great bodily harm, the officer shall prepare an offense report describing the circumstances surrounding the use of force. In the event there are any audio or video recordings of the event, the officer(s) involved shall not review them prior to giving a statement or completing a report (see policy: Body Worn Cameras).
 - 3.) The chief or officer as directed shall complete a written analysis of all incidents involving the use of physical force by officers.
 - D.) Report writing for the officer-involved shooting shall follow the criteria listed below:
 - 1.) Whenever A firsthand account of the incident shall also be obtained as soon as possible by the involved officer(s) (each one separated from the other prior to obtaining statements). The account will be written down by the involved officer and signed and filed with the completed Use of Force form. All documents will remain within the same case file under the same incident number. The responding supervisor or chief shall likewise fill out his or her own account of the response to the use of force and file it in the same case file under the same incident number.
 - 2.) The use of force by the officer shall be articulated according to the Use of Force form. The following sections that are to be articulated to the best of the officer's ability are as follows:
 - a.) General Information
 - b.) Subject's Most Serious Behavior/Officer Perception of Threat
 - c.) Pre-Assault Indicators
 - d.) Situational Factors
 - e.) Event Description
 - f.) Officer's Trained and Authorized Options
 - g.) Additional Notes
- The Use of Force Documentation Guide will be made available to the officer completing the Use of Force form as well as his or her own written firsthand account.
- 3.) The following sections are to be articulated to the best of the responding supervisor's or chief's ability are as follows:
 - i. Initial Supervisor Assessment and Review
 - ii. Officer's Known Injuries Resulting From Use of Force Incident
 - iii. Offender's Known Injuries Resulting From Use of Force Incident
 - iv. Additional Notes
 - v. Command Staff Review of Incident

- 2.) The officer involved in the use of force will be placed on administrative assignment. The officer placed on administrative assignment pursuant to this procedure shall be fully cooperative to personnel having appropriate jurisdiction for the internal review/investigation of the incident. Placement on administrative assignment shall be non-disciplinary, with no loss of pay or benefits. The officer involved in the use of force will remain on administrative assignment until:
1. The chief returns the officer to full duty status following an administrative review of the incident; or,
 2. Appropriate disciplinary action is instituted; or,
 3. Referral is made to the District Attorney's Office for appropriate legal action; or,
 4. Such other assignment as deemed appropriate by the chief.

03/30/2022

Donald M. Cook
Chief of Police

Date

XII. DISTURBANCE RESOLUTION

(per the DAAT manual as of December 2014 revision)

APPROACH CONSIDERATIONS

Decision-Making

- Justification
- Desirability

Tactical Deployment

- 1.) Control of Distance
- 2.) Relative Positioning
- 3.) Relative Positioning with Multiple Subjects
- 4.) Team Tactics

Tactical Evaluation

- Threat Assessment Opportunities
- Officer/Subject Factors
- Special Circumstances
- Level/Stage/Degree of Stabilization

INTERVENTION OPTIONS

MODE

A. Presence

PURPOSE

To present a visible display of authority

B. Dialog

To verbally persuade

C. Control Alternatives

To overcome passive resistance, active resistance, or their threats

D. Protective Alternatives

To overcome continued resistance, assaultive behavior, or their threats

E. Deadly Force

To stop the threat

FOLLOW-THROUGH CONSIDERATIONS

A. Stabilize

Application of restraints, if necessary

B. Monitor/Debrief

C. Search

If appropriate

D. Escort

If necessary

E. Transport

If necessary

F. Turn-Over/Release

Removal of restraints, if necessary