

USE OF FORCE

1900

Effective Date: July 1997

PURPOSE

The purpose of this order is to establish a uniform policy relating to the use of force by Department employees.

POLICY

It is the policy of this Department that only the amount and degree of force that is reasonably necessary to perform their various duties may be used by employees. This is to protect life and property by affecting arrests, retaining arresters, preventing injury to themselves and others, and to prevent property damage.

Each instance of the use of force will require that restraint be exercised so as not to purposely exceed that force necessary as directed by the particular circumstances faced by the employees.

These procedures will not conflict with other sections of this manual but will compliment and extend those other written policies to all duties of employees.

REQUIRED REPORTS

- A. When necessary to use force to effect an arrest, subdue or control a prisoner, or in any other situation, the use of force shall be fully documented and described in writing through normal channels to the Chief. A use of force form shall be completed and attached to officer's report for all use of force situations. (as of 11/01/2004)JMV

- B. When the use of force results in personal injury or substantial property damage, it will be factually reported in writing. The written report of the use of force may be a part of the written incident report. However, it shall be addressed through the Chief.
- C. An employee whose use of force results in death shall be removed from line duty assignment pending administrative review by the Chief.
- D. Use of force, other than deadly force, which does not result in personal injury or substantial property damage, may be subject to administrative review by the Chief.

USE OF FIREARMS

- A. All sworn officers of the Village of Pepin Police Department, while on duty, shall carry or have immediately ready the firearm authorized by this department. The weapon will be carried fully loaded.
 - 1. NO WEAPONS shall be carried in areas of the Pepin County Jail.
- B. All sworn uniform officers shall carry their weapon properly contained in a holster which has been approved by the Department.
- C. Reporting the use of firearms

Purpose:

To prevent public confrontation with officer who have not exceeded the scope of their authority and to protect the community's interests from those officer who have. To allow time for the completion of appropriate investigations and to assure that the officer is mentally capable of continuing his/her duties.

- 1. Employees discharging a firearm accidentally or intentionally while on duty during official or Department functions or acts, except during a training exercise, shall report the circumstance to their superior officer immediately.
 - a. The discharging of a firearm for the purpose of destroying an animal under section 948.15(4) will not require a firearm discharge report. A normal incident report will suffice these cases.

2. A written report will be forwarded to the Chief before the end of the current duty shift or immediately, if off duty.
3. Any officer involved in a shooting in which someone is injured or killed shall be placed on administrative leave until such time as an investigation into the shooting is complete. All such incident will be turned over to an outside agency not involved in the incident for investigation.

INSTRUMENTS OF PHYSICAL FORCE

Employees shall not carry firearms or other weapons not authorized by the Chief. This includes throwaway weapons, saps, sap gloves, nunchucks, brass knuckles and any or all instruments not authorized by the Chief.

AUTHORIZED WEAPONS

- A. Only department approved weapons meeting established department standards will be carried while on duty. While off duty, only full time officers will be authorized to carry a weapon.
- B. On duty officers may carry a second or backup gun if the weapon has been approved by the Chief.
- C. Officers must demonstrate that they are proficient in the use of the weapons they carry. This includes firearms, batons and OC. Each employee must qualify twice a year with their firearm.
- D. All officers must have completed a DAT course approved by the State of Wisconsin.
- E. Authorized Weapons
 - a. Approved side arm
 - b. Department shotgun and/or rifle
 - c. Approved baton
 - d. Issued chemical agent
 - e. Department approved ammunition

- f. Taser M26
- F. Carrying a Weapon Off Duty
 - a. Officer's may, but are not required to, carry an off duty weapon.

USE OF FIREARMS

Side arms, shotguns, rifles, and other firearms shall be covered by these sections:

A. DISPLAY AND/OR PRACTICE IN PUBLIC PLACE

Department employees shall not draw or display weapons in any public place except when they are to be used and/or inspected by a superior officer. On duty officers may dry fire weapons only for approved training or demonstration. Those employees who carry duty firearms will report for duty with a loaded, clean weapon in good repair.

B. INJURY FROM FIREARMS

If injury to any person results from any firearms discharge, the employee may be relieved of duty and the Chief shall assign responsibility for investigation. In this instance, the firearm will be immediately turned over to the Chief or investigating officer.

C. DISCHARGING FIREARMS

Employees may only discharge firearms in the performance of their regular duties or while acting in their official capacity.

1. For supervised target practices and firearms qualifications.
2. When they reasonably believe the action to be in defense of human life.
 - a. To defend themselves from death or serious injury.
 - b. To defend another from death or serious injury.
 - c. To affect the arrest or prevent the escape of a convicted felon or person who has committed or attempted to commit a felony when other means

are insufficient and when they reasonably believe that human life will be endangered if the escape is successful.

- d. To kill a dangerous animal or one that is so badly injured that humanity requires its removal from further suffering, if it can be done safely. When practical, secure owner's permission.

D. WARNING SHOTS

Warning shots are prohibited.

DEFINITIONS RELATING TO THE USE OF FIREARMS

REASONABLE BELIEF: When facts or circumstances the officer knows or should know, are such as to cause an ordinary and prudent person to act or think in a similar manner under similar circumstances.

SERIOUS PHYSICAL INJURY: A bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement or long term impairment or loss of the function of any bodily member or organ.

FIREARMS QUALIFICATION: The officer must demonstrate a minimum performance ability of a pass/fail over 70% as measured by a rate of accomplished score to the total score possible on a given firearms course. The qualification course will be done at least once a year.

The course will be as follows:

<u># shots</u>	<u>Distance</u>	<u>Shooter position</u>	<u>Weapon position</u>	<u>Area of target</u>
2	3 feet	Standing	2	Center body mass
2	3 yards	Standing	3	Center body mass

3	7 yards	Standing	4	First 2 to center Body mass then 1 to The head.
3	15 yards	Standing	4	Same as previous
3	15 yards	Kneeling	4	Same as previous
3	15 yards	Prone	4	Center body mass
2	25 yards	Standing	4	Center body mass
2	25 yards	Kneeling	4	Center body mass
2	25 yards	Barricade	4	Center body mass

Officers should note the gun positions are as follows:

1. Position is hand on weapon with weapon in holster.
2. Position is weapon drawn, at hip close to body, slightly canted outward.
3. Position is weapon drawn in front of by in both hands, held at chest level close to body
"The third eye."
4. Position is weapon drawn to good a push pull, full extension, weapon brought to eye level.

E. WEAPONS TRAINING

Adequate weapons' training is consistent with current professional police attitudes. The Police Department shall maintain a Use of Force training program which includes appropriate instruction and range qualification standards.

1. COORDINATION

The goals of training programs should include:

- i. Proficient use of authorized weapons.
- ii. Advanced practical training designed to simulate field situations.
- iii. Proper maintenance of equipment.

iv. Safety with firearms.

v. Consideration of criminal and civil liabilities.

2. QUALIFICATION

Every person hired by the department must qualify before he/she is authorized to carry or use a firearm or baton.

3. THE USE OF PEPPER SPRAY

i. Pepper spray may be used by an officer when it is reasonably apparent that a lesser degree of force would be insufficient to control an individual. Pepper spray is the preferred method of meeting any perceived aggressive resistance:

a. Threat assessment – perceived threat.

b. Officer/subject factors – size, skill level, etc.

c. Special circumstances – location, availability of backup, etc.

ii. An officer shall direct the pepper spray aerosol to the face of the subject. Specific target areas are the eyes, nose and mouth. The subject should be no closer than two feet.

iii. The following decontamination procedures shall be followed:

a. Expose the subject to fresh air as soon as possible.

b. Advise the subject not to rub their face, unless it is with soap and water.

c. As soon as possible, transport the subject to the booking room of the Pepin County Sheriff's Office where subject will be rinsed with cold water until symptoms subside.

d. Ask subject if he/she is wearing contact lenses. If they are, provide them an opportunity to remove the contact lenses as soon as possible.

e. Do not apply salves, creams, oils or lotions which may trap the irritant.

f. A physician would be seen if any of the following occur:

- a. If the subject requests to see a physician.
- b. If the subject's symptoms do not appear to be improving after approximately 45 minutes.
- g. Upon release or transfer of custody to the jail, the subject should be advised:
 - a. Contaminated clothing should be removed as soon as possible and washed before being worn again.
 - b. Further relief may be experienced by showering and washing the affected area with soap and water.
- iv. Personnel may use pepper spray as an effective means of controlling animals when it is necessary. Decontaminate the animal by spraying with cold water.

F. Electronic Restraint Device (Taser)

1. In order to determine which technique or weapon will reasonably deescalate the incident and bring it under control safely, officers should assess the situations where force is warranted. Officers shall use only that force which is reasonably necessary to affect lawful objectives.
2. Officers will only use the less than lethal force Electronic Restraint Device (Taser) after receiving training and certification in its proper use and according to departmental and manufacturer training guidelines.
3. When feasible, every effort will be made by Officers deploying the electronic device (Taser) to inform other involved officers that a less than lethal weapon is being deployed.
4. The use of a non-lethal Electronic device (Taser) is authorized:
 - a. At the discretion of the officer where the continued actions of a suspect places the suspect, citizens or officers at risk of injury and where physical contact of the subject would increase the likelihood of injury to the suspect, citizens or officers.
5. Extreme caution should be used upon deployment of the Taser in areas where there is a potential for fire such as flammable vapors, gases or electronic spark hazard such as those

encountered at filling stations and clandestine drug labs. The officer will follow guidelines as established in departmental training.

6. A. If the exam or other circumstances dictate the need for further medical treatment, such as symptoms of excited delirium, toxic drug overdose or if the Taser Probes are embedded in a sensitive area such as the neck, throat, face or groin area, the suspect will be transported to the hospital. The officer will cut the electric power wire lead to the probes. The Taser probes will then be removed by medical personnel at the hospital in conjunction with the other medical needs. If the Taser probes are imbedded in a non sensitive area and no medical treatment is needed, the trained officer that deployed the Taser may remove the probe from the suspect according to the training guide lines.

7. Property/Evidence Retention

Discharged less than lethal Taser probes that strike a subject shall be collect as evidence. Note: Probes that are retrieved out of skin of subject shall be treated as a biohazard and officer will use protective gloves. Probes will placed in the expended cartridge with the tips pointing down and will be labeled as a biohazard. Tape should then be placed over the portals to secure the probes in the cartridge. Officers will attempt to locate the yellow pink and clear colored "microdots" dispersed at the time of the cartridge firing. Photographs of any injuries sustained through the use of non-lethal device will be taken, as soon as practical, for post incident review. Expended cartage will be entered into evidence and a report will be completed.

8. Training in the use of the Taser will be done at least once a year.

G. RESTRAINING DEVICES

Officers shall use handcuffs to restrain arrestees.

- 1 All arrestees shall be handcuffed in the back with palms facing our and cuffs will be safety locked.
2. If there are too many arrestees for standard handcuffs to be used, officers may use flex cuffs. Officers shall secure the flex cuff hand behind and with palms facing outward.

3. Under extreme circumstances officer may handcuff arrestee in front; i.e. medical problems or other physical problem that would not allow for hand cuffing in the rear.
4. A use of force form will be completed upon any use of force and be attached to the officer's report.

Choke holds are prohibited by state laws 6/2021

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