

HALES CORNERS POLICE DEPARTMENT

	GENERAL ORDER		
	TITLE USE OF FORCE		
	NUMBER: 111	EFFECTIVE 11/04/94	LAST UPDATE 04/16/20
	REVIEW PERIOD Annual	PAGES 7	
<i>NOTE: This General Order is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by the department, and then only in a non-judicial administrative setting.</i>			

I. PURPOSE

The purpose of this General Order is to establish basic policy guidelines regarding the use of force by members of the Hales Corners Police Department to be adhered to barring extenuating circumstances for which no policy can be written.

Although this General Order is for Departmental use only and does not apply in any civil or criminal proceeding, violations may form the basis for administrative sanctions and **violations of law can form the basis for civil and criminal sanctions in a recognized judicial setting.**

II. POLICY

- A. Law enforcement agencies are given special powers to use force by physical means and by firearms and other weapons. No area of police work is as sensitive as the use of force or is as necessary in the implementation of the Department's peace keeping mission.
- B. The ultimate purpose of using force is to protect life, property, and maintain peace.
- C. It is the Policy of the Hales Corners Police Department that its sworn personnel use the amount of physical force reasonable and necessary to arrest, apprehend, or restrain any person(s).
- D. Members of the Department may use force in the performance of their duties in the following circumstances:
 - 1. To prevent the commission of a municipal violation, misdemeanor, and/or felony.
 - 2. To prevent a person from injuring him/herself.
 - 3. To effect the lawful arrest of persons resisting or attempting to flee from custody.
 - 4. In self-defense or in the defense of another person.
- E. The safety of innocent bystanders should not be risked unless the use of force is the only possible means of protecting them.
- F. The reasonableness of the force used must be judged in the light of the circumstances as they appeared to the officer at the time he acted, and the measure is generally considered to be which an ordinary and intelligent officer, with the knowledge and in the situation of the arresting officer, would have deemed necessary under the circumstances.

- G. The department demands its officers to treat the public with courtesy and respect in situations demanding firm action and force.

III. DEFINITIONS

Disturbance Resolution Model: A model for the application of trained techniques toward an incident with the intent to obtain and maintain control. Appendix A, *Disturbance Resolution* model.

Intervention Options: Physical measures intended to obtain and maintain control over: the threat of resistance, active resistance; or, to stop a suspect's combative behavior. Appendix A, *Disturbance Resolution* model.

Less Than Deadly force: All means of force not intended to cause death, including but not limited to: communication, unarmed tactics, chemical irritants, electronic control devices, and impact devices.

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.

IV. LESS THAN DEADLY FORCE PROCEDURES

- A. When the use of force is necessary and appropriate officers shall employ only the amount of force necessary to establish and maintain control. The safety of innocent bystanders shall not be risked unless their safety has already been endangered and using force is the only means of protecting them. The Hales Corners Police Department uses the State of Wisconsin *Disturbance Resolution* model, as set forth below.
- B. It is not the intent of this policy to direct officers that they must try each of the options before escalating to the next. Good judgment and each situation will dictate at which level an officer will start. It is not intended that any subject should ever be allowed to be the first to exercise force, thus gaining an advantage in a physical confrontation. Nothing in this policy should be interpreted to mean that an officer is required to engage in prolonged "hand-to-hand combat" (with all its inherent risks) before resorting to the use of force that more quickly, reasonably, and safely brings an arrestee under physical control. The ultimate goal of any physical force used by an officer is to gain control. Officers using any type of force are accountable for its use.
- C. An officer must evaluate each situation where force may have to be used. The following are items an officer should consider when determining which level of force to use. Evaluation of these items, alone or in combination with each other, may be reasons for an officer to escalate faster, or skip steps in the escalation of force.
1. Number of subjects involved.
 2. Officer/Subject Factors.
 - a. Age - Age of officer vs. age of subject.
 - b. Sex - Females generally do not have as much upper body strength as males.
 - c. Size - Physical size of officer vs. physical size of subject.
 - d. Skill Level - Skill level of officer (new recruit, trained veteran, untrained officer etc.) vs. the perceived skill level of the subject.

3. Level of Resistive Tension (level of agitation).

4. Special Circumstances.

- a. Officer's reasonable perception of threat.
- b. Sudden assaults.
- c. Subject's ability to escalate rapidly.
- d. Officer's physical positioning.
- e. Special knowledge
- f. Officer's injury or exhaustion.

5. Handcuffs

- a. It is the policy of the Hales Corners Police Department to handcuff and search all persons arrested and/or transported after an arrest. This will best ensure the safety of officers, the arrested person, and the public. Handcuffing and searching will be accomplished through application of current training techniques (Defense And Arrest Tactics, DAAT).
- b. Based on their assessment of the situation, and at their discretion, officers may decide not to handcuff an arrested person. Actions contrary to the stated policy above will be evaluated on the basis of the officer's rationale for noncompliance.

D. Treatment of Subjects Arrested - After the subject has been taken into custody ("custody" means handcuffed, searched, and under control), the officer should utilize proper stabilization techniques:

1. STABILIZATION TECHNIQUES

- a. Checking for injuries/rendering first aid.
- b. Request appropriate medical aid if necessary.
- c. Monitor subject continuously while in Hales Corners Police custody.
- d. Notify Shift Commander of physical injury to suspect(s).
- e. Notify Shift Commander of physical injury to officer(s).

E. REPORTING PROCEDURE

Officers using a level of force of "Compliance Holds" or higher on the *Disturbance Resolution* model (see Appendix A,) or whenever a firearm is pointed where civilians, suspects, or prisoners are present are required to file an *Incident Report* and include the following in the narrative of the report:

1. Reason for being there (duty assignment, reasonable suspicions and/or probable cause).
2. Officer's evaluation of the situation (including those items listed in Procedure section IV-C).
3. Steps of escalation, or preclusive factors, leading to the highest force option utilized.
4. Care and/or treatment rendered to the subject after control was affected.

V. DEADLY FORCE PROCEDURES

Deadly force is the extreme means used to accomplish lawful objectives. It is the policy of the Hales Corners Police Department that its sworn personnel may use "Deadly Force" in the defense of their lives and the lives of others. This policy is pursuant to following Wisconsin State Statutes.

A. Applicable Wisconsin State Statutes

939.48 Self-defense and defense of others. (1) A person is privileged to threaten or intentionally use force against another for the purpose of preventing or terminating what he reasonably believed to be an unlawful interference with his person by such other person. The actor may intentionally use only such force or threat thereof as he reasonably believes is necessary to prevent or terminate the interference. He may not intentionally use force which is intended or likely to cause death or great bodily harm unless he reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself.

939.48(4) A person is privileged to defend a third person from real or apparent unlawful interference by another under the same conditions and by the same means as those under and by which he is privileged to defend himself from real or apparent unlawful interference, provided that he reasonably believes that the facts are such that the third person would be privileged to act in self-defense and that his intervention is necessary for the protection of the third person.

B. Members of the Department, in the performance of their duties, shall not discharge firearms or use any other weapon or instrument capable of inflicting death or great bodily harm, except under the following circumstances.

1. When there is no reasonable alternative in the defense of one's self, and there is reasonable cause to believe that one is in imminent danger of death or great bodily harm.
2. When there is no reasonable alternative in the defense of another and the officer has reasonable cause to believe that the other person is in imminent danger of death or great bodily harm.
3. Deadly force shall never be used under the following circumstances:
 - a. As a warning; warning shots shall not be fired.
 - b. From a moving vehicle unless:
 - (1) There is no reasonable alternative in the defense of one's self or another; and
 - (2) There is reasonable cause to believe that one's self or another is in imminent danger of death or great bodily harm.
 - c. At a fleeing vehicle unless the officer is certain that there is a substantial risk of death or great bodily harm if the apprehension were to be otherwise delayed.
4. Before using deadly force, the officer shall, unless a greater risk of harm is created, make every reasonable effort to:
 - a. Identify his or herself unless their identity is obvious under the circumstances.
 - b. Order the suspect to desist from the unlawful and life threatening activity.
 - c. Threaten to use deadly force prior to its actual use, if the order to desist is not obeyed.

C. STABILIZATION TECHNIQUES

After the use of deadly force, Officers will stabilize the incident by:

1. Checking for injuries/rendering first aid.
2. Request appropriate medical aid if necessary.
3. Monitor subject continuously while in custody.
4. Notify Shift Commander of physical injury to suspect(s) or Officer(s).

D. REPORTING PROCEDURE

1. An officer shall inform their supervisor as soon as possible whenever he/she has used deadly force, regardless of whether death, injury, or property damage has resulted. The supervisor will make all subsequent notifications pursuant to General Order 71 *Officer Involved Incident Management*.
2. The member who used deadly force should give a verbal statement to the designated investigator in accordance with General Order 71 *Officer Involved Incident Management* who will make a written record of same.
3. The written report shall include but is not limited to:
 - a. Pre Use of Force
 - (1) Reason for contact with the suspect
 - (2) Officers scene assessment
 - (3) Any prior knowledge with suspect
 - (4) Physical description of suspect
 - (5) Suspects actions and statements prior to the use of force
 - b. Post Use of Force
 - (1) An accurate description of the incident and the reason for the employment of deadly force.
 - (2) Type of forced used as named in the *Disturbance Resolution* model.
 - (3) A description of the weapon and the manner in which it was used.
 - (4) A description of injuries sustained and the treatment administered.
 - (5) How follow through procedures were satisfied.
4. In accordance with the FBI Use of Force Reporting and Bureau of Justice Assistance Arrest-Related Death Reporting requirements a designated supervisor will report the use of force. The designated supervisor will be responsible for submitting the TraCs *Use of Force* form, documenting the incident.

E. INVESTIGATION OF USE OF DEADLY FORCE INCIDENTS will occur in all instances where an officer intentionally discharges a firearm for the purpose of employing deadly force against a human being. The procedure for investigation is outlined in General Order 71 *Officer Involved Incident Management*.

<p>ISSUED BY:</p>  <p>Eric R. Cera Chief of Police</p>	<p>HISTORY:</p> <p>Effective: 11/04/1994 Review: 09/24/2003 Review : 07/20/2004 Revised: 10/01/2004 Revised: 02/03/2005 Revised: 06/15/2005</p>	<p>Revised: ERC 09/08/2008 Revised: ERC 02/10/2012 Review: APH 08/18/2016 Revised: ERC 10/21/2019 Revised: NLZ 04/16/2020</p>
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APPENDIX A

DISTURBANCE RESOLUTION		
1) APPROACH CONSIDERATIONS		
A. Decision making		Justification Desirability
B. Tactical Deployment		Control of distance Positioning Team Concepts
C. Tactical Evaluation		Threat assessment opportunities Officer/Subject factors Special circumstances Level/state/degree of stabilization
2) INTERVENTION OPTIONS		
Mode	Tactic	Purpose
A. Presence	Professional Presence	To present a visible display of authority
B. Dialog	Tactical Communication	To verbally persuade
C. Empty Hand Control	Escort Holds	To safely initiate physical contact
	Compliance Holds	To overcome passive resistance
D. Control Devices	Oleoresin Capsicum	To overcome active resistance or its threat
	Taser	
		Passive Countermeasures
	Active Countermeasures	To create dysfunction
	Incapacitating Techniques	To cause the immediate, temporary cessation of violent behavior
E. Intermediate Weapon	Intermediate Weapons	To impede a subject
	Bean-Bag/Specialty Rounds	To impede a subject
F. Deadly Force	Firearm	To stop the threat
3) FOLLOW THROUGH CONSIDERATIONS		
A. Stabilize necessary		Application of restraints if necessary
B. Monitor/Debrief		
C. Search		If appropriate
D. Escort		If appropriate
E. Transport		If appropriate
F. Turn-over/Release		Removal of restraints, if necessary

Use of Force and Arrest-Related Death Reporting

