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I.) PURPOSE

The purpose of this order is to provide law enforcement officers of the Caledonia Police Department with guidelines for reasonable use of deadly and non-deadly force. Law enforcement officers have the privilege to use force when it becomes necessary in the performance of their official duties.

II.) POLICY


It is the policy of the Caledonia Police Department that officer’s use only the force that reasonably appears necessary to effectively bring an incident under control, while protecting the lives of the officer and others. This is not a subjective determination. The use of force must be objectively reasonable. The officer must use the amount of force which a reasonably prudent officer would use under the same or similar circumstances.

It is the policy of the Caledonia Police Department that officers will follow the State of Wisconsin Department of Justice Disturbance Resolution Model, Approach Considerations, and Intervention Options as a guideline. Officers are trained in the techniques and tactics within the DAAT (Defensive and Arrest Tactics) System as well as other training the Department believes is appropriate to carry out the mission of the Department. 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. This general order adheres to all applicable federal, state and local laws.

A.) AN OFFICER MAY USE FORCE:


- 1.) To achieve and maintain control of resistive subjects.
- 2.) To detain persons reasonably suspected of criminal behavior.
- 3.) To make a lawful arrest.
- 4.) To defend themselves or others.
- 5.) To prevent escape.
- 6.) To bring an unlawful situation safely under control.

An officer who witnesses another officer using force in excess of that permitted by law, training, and this General Order, 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.

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III.) DEFINITIONS

- A.) **ACTIVE RESISTANCE:** Behavior which physically counteracts an officer’s control efforts, and which creates a risk of bodily harm to the officer, subject, and/or other persons.
- B.) **BATON:** A police impact weapon used to impede an adversary by striking parts of the body. Conventional batons are made of wood or plastic; expanding batons are constructed of a series of telescoping metal shafts.
- C.) **CENTRAL NERVOUS SYSTEM:** The system of neurons, neurochemicals, and allied structures involved in receiving sensory stimuli, generating and coordinating responses, and controlling bodily activities; includes the brain and spinal cord.
- D.) **COOPERATIVE SUBJECT:** A non-resistive subject who is controlled using verbal direction.
- E.) **DEADLY FORCE:** The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.
- F.) **EXCESSIVE FORCE:** The uses of more force than is reasonable and necessary to arrest, apprehend, or restrain a subject. The use of excessive force will not affect the validity of the arrest. It will expose the officer to civil suit, discipline or both, and in aggravated circumstances, possible criminal liability.
- G.) **GREAT BODILY HARM:** (S939.22 (14), Wis. Stats.) Means bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement, or which causes a permanent loss or impairment of the function of any bodily member or organ or other serious bodily injury.
- H.) **FAILURE TO RENDER AID:** (S940.29(1), Wis. Stats) “Any peace officer while acting in the course of employment, who intentionally fails to render or make arrangements for any necessary first aid for any person in his or her actual custody is guilty of a class A misdemeanor if bodily harm results from the failure.”

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I.) OBJECTIVELY REASONABLE: The level or amount of force an officer uses must be reasonably necessary to accomplish the law enforcement (US Supreme Court Graham vs. Connor); to determine whether force is objectively reasonable, consideration should be given to: the severity of a crime, whether the suspect poses imminent threat to officers or citizens, and whether the suspect is actively resisting or attempting to evade arrest by flight.

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

K.) PRECLUSION: The elimination of all other viable alternatives.

L.) PRIVILEGE: (S939.45, Wis. Stats) States certain conduct is defensible from prosecution under certain circumstances. **The defense of privilege can be claimed:** when conduct is in defense of person’s property, conduct is in good faith, and conduct is a reasonable accomplishment of a lawful arrest.


M.) RESISTIVE TENSION: Level of agitation in a subject’s body.

N.) SELF-DEFENSE: The act of defending one’s person by physical force. (S939.48, Wis. Stats.)
“The actor may intentionally use only such force or threat thereof as he or she reasonably believes is necessary to prevent or terminate the interference. He or she may not intentionally use force which is intended or likely to cause death or great bodily harm unless he or she reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself, or another.”

O.) SPECIAL CIRCUMSTANCES: Factors or situations that may justify rapid escalation of force or selection of higher force options: reasonable perception of threat, special knowledge of subject, sudden assaults, subjects ability to rapidly escalate force, your physical positioning, injury or exhaustion, equipment or training, availability of backup, other special circumstances.

IV.) PROCEDURES

The level of force used by a police officer is based on the State of Wisconsin Law Enforcement Standards Board Disturbance Resolution Model of intervention options which contains five modes and the trained tactics of each mode. A police officer shall use a reasonable amount or level of force necessary to control a subject. It is understood that trained techniques when applied in dynamic situations may result in unintended

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consequences. It is also understood that officers may have to use means that are not trained but justified based on the circumstances of the incident.

The intentional punching, striking, or grabbing the throat (trachea) or blocking or restricting the carotid neck arteries (commonly referred to as a chokehold) creates a substantial likelihood of death or great bodily harm and, therefore, should be used only if deadly force is justified.

The following are the five modes (Presence, Dialogue, Control Alternatives, Protective Alternatives, and Deadly Force) in the intervention options model.

APPROACH CONSIDERATION

A.) DECISION MAKING

- 1.) Justification
- 2.) Desirability

B.) TACTICAL DEPLOYMENT

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


C.) TACTICAL EVALUATION

- 1.) Threat Assessment Opportunities
- 2.) Officer/Subject Factors
- 3.) Special Circumstances
- 4.) Level/Stage/Degree of Stabilization

INTERVENTION OPTIONS

A.) PRESENCE: The purpose of this mode is to “present a visible display of authority.” An officer wearing a department authorized uniform is a level of force. It is important for an officer to display a badge in a conspicuous location on their body and to carry authorized identification.

- 1.) Open Stance
- 2.) Ready Stance
- 3.) Defensive Stance


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B.) DIALOGUE: The purpose of dialogue is to persuade subjects to comply with officers' lawful directives.


- 1.) Search Talk
- 2.) Persuasion
- 3.) Light Control Talk
- 4.) Heavy Control Talk

C.) CONTROL ALTERNATIVES: The overall purpose is to achieve compliance from a non-compliant subject, but these techniques are specifically geared toward overcoming both passive and active resistance.

- 1.) Escort Holds: Are used to overcome passive resistance
 - a.) Blanket the arm
 - b.) Escort position
- 2.) Compliance Holds: Are used to overcome passive resistance.
 - a.) Come-along hold
 - b.) Pressure points
- 3.) Oleoresin Capsicum Spray: OC Spray is an option when an officer reasonably believes the subject will use active resistance (see definitions) or threatens active resistance by actions and/or statements.
 - a.) Uniformed patrol personnel should carry department issued OC spray on duty belt. The Caledonia Police Department shall utilize non-flammable OC spray.
 - b.) Plain clothes personnel should carry or have available OC spray or an CEW while on duty.
 - c.) OC spray may be used to repel dangerous animal.
 - d.) Officers should use discretion on using OC spray on children or individuals with known medical conditions where inhaling OC spray could compromise breathing.
 - e.) Officers **shall not** use OC spray on passive-resistors.
 - f.) If an officer is threatened by an individual with OC spray, the officer has the option to disengage or escalate depending on the situation. Deadly force may be authorized if the officer reasonably believes imminent death or great bodily harm may occur.
 - g.) The officer should use OC spray as trained.
 - h.) After a subject is sprayed with OC, the officer shall attempt to flush clean water on the affected area of the subject. Ventilating the area could help the subject.
 - i.) Get medical assistance from CAFD if the subject requests it, the officer believes it is needed, or the symptoms don't visibly improve after 45 minutes.

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- j.) If the suspect is arrested and placed in custody at a detention center, the transport officer shall notify the detention facility personnel that the suspect has received an OC spray deployment. The transport officer shall document this information in an incident or supplemental report.
- 4.) Conducted Energy Weapon (CEW) The Caledonia Police Department Officers will carry only authorized TASERCEW's while on duty. Officers shall be trained by TASER or CEW certified instructors before the officer can carry an CEW. Officers shall follow the guidelines of department training.
 - a.) CEW is an option when an officer reasonably believes the subject will use active resistance (see definitions) or threatens active resistance by actions and/or statements.
 - b.) Uniformed patrol personnel should carry department authorized CEW on their duty belt or approved holster rig. Officers should be cognizant that other law enforcement agencies may carry OC spray that could be flammable. **CEW's shall not be discharged towards subject who is contaminated by OC spray that is unknown or flammable.**
 - c.) Plain clothes personnel should carry or have available CEW or OC spray while on duty.
 - d.) CEW may be used on dangerous animals.
 - e.) Officers shall use CEW's per department training.
 - f.) Officers should remove the probes after the subject is handcuffed. If probes are implanted in the subject's neck, face, groin, or other sensitive areas, CAFD should be dispatched. Medical treatment should be provided by CAFD or subject should be transported to the hospital. If the subject requests and/or the officers believe the subject needs medical attention, CAFD should be dispatched.
 - g.) Probes shall be treated as biohazard material. In the event the subject sustains a serious injury or death, the probes and wires shall be treated as evidence. Officers will follow training in protecting the wires and probes so that the evidence can be examined.
 - h.) Officers **shall not** deploy CEW's when known flammable materials are present, as punishment, or on passive resistors.
 - i.) CEW's **should not** be used on subject's who are operating machinery, elderly, small children, handcuffed, fleeing on foot, and known medical conditions such as pregnant, heart pacemakers, and neuromuscular disorders (MS, MD or epilepsy).
 - j.) The shift commander will be responsible to make sure digital images are taken of the wound site and/or any injuries sustained by the officers, suspect, or citizens. If a serious injury or death occurs, the shift commander shall secure the scene and notify the Deputy Chief of Police and /or Chief of Police.

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- k.) If an officer is threatened by an individual with an CEW, the officer has the option to disengage or escalate depending on the situation. **Deadly force may be authorized if the officer reasonably believes imminent death or great bodily harm may occur.**
- l.) If the suspect is arrested and placed in custody at a detention center, the transport officer shall notify the detention facility personnel that the suspect had received an CEW deployment. The transport officer shall document this information in an incident or supplemental report. If an officer accidentally discharges an CEW, the officer will write a memorandum to the on-duty shift commander explaining the incident. The shift commander will place the memo in the Chief's mailbox by the end of his or her shift.

5.) Passive Measures

- a.) The goal of passive countermeasures is to decentralize a subject who is actively resisting an officer.
 - i.) Secure-the-head decentralizations.
 - ii.) Hug-yourself decentralizations.
 - iii.) Lower-your-center decentralizations.
 - iv.) Pull-in/push-down decentralizations.

D.) PROTECTIVE ALTERNATIVES: The overall purpose is to overcome continued resistance, assaultive behavior, or their threats.

- 1.) Active Countermeasures
 - a.) Vertical Stun
 - b.) Focused strikes (Hand and Forearm Strikes/ Leg and Knee Strikes)
- 2.) Incapacitating Techniques
 - a.) Diffused Strikes
- 3.) Intermediate Weapon-Baton
 - a.) Uniformed officers should carry on their duty belt or have available either a department authorized straight or expandable baton.
 - b.) Plain clothes officers should have available a baton while on duty.
 - c.) Officers will follow the training received in the use of batons.
 - d.) The Following are authorized baton techniques:
 - i.) Baton Jab
 - ii.) Ankle Strike
 - iii.) Angle-Cross Strike
 - iv.) Multiple Overload Strikes


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- e.) If baton strikes are found to be ineffective, an officer should disengage and/or escalate depending on the circumstances.
- f.) If the suspect sustains an injury, CAFD shall be dispatched. The shift commander shall ensure digital images are taken of the suspect's injuries.
- g.) If the suspect is arrested and placed in custody at a detention center, the transport officer shall notify the detention facility personnel that the suspect has receive baton strike(s). The transport officer shall document this information in an incident or supplemental report.

E.) DEADLY FORCE: The purpose of deadly force is to stop the threat.

1.) Firearm

- a.) Deadly force is defined as the intentional use of a firearm or other instrument that creates a high probability of death. Officers train in the use of firearms, but it is recognized that an officer many need to use another weapon or technique in a deadly force situation.
- b.) Officers are authorized to use deadly force when the suspect's behavior has caused or imminently threatens to cause death or great bodily harm to you or another person or persons.
- c.) Officers are required to carry their department issued or approved firearm while on duty in a department approved holster. Officers must qualify with department firearms and must attend regular unified tactics training.
- d.) In the event of a critical incident following the death or great bodily harm of an officer or citizen, **all personnel shall refer to General Order 1.7 Critical Incidents.**
- e.) Officers shall use safety precautions and properly store firearms at work and at home.
- f.) Officers are expected to use verbalization skills, when appropriate and possible, before the use of deadly force.
- g.) An officer may display a firearm while performing duties or during training. If an officer points a firearm at another person, other than training, the officer will document in an call summary, incident report, or supplemental report.
- h.) An officer may use a firearm to euthanize an animal if the conditions are safe and with prior approval from the shift commander.
- i.) An officer may use deadly force on a dangerous animal if the conditions are reasonably safe.
- j.) Warning shots are strongly discouraged.
- k.) Discharging a firearm towards and/or from a moving vehicle is strongly discouraged, and should be avoided it other alternatives are available.


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- l.) Officers are responsible for proper weapon retention. Weapons should be kept secured in a holster or gunlock.
- m.) Unsecured weapons shall not be left unattended.

FOLLOW THROUGH CONSIDERATIONS

F.) STABILIZATION/HANDCUFFING: Officers have responsibilities after using force. When an officer used force to establish control over a subject, the officer must monitor the subject for injuries. This may include handcuffing, unless inappropriate (based on the Defense and Arrest Tactic Training). When a subject has been stabilized, it means that he or she has stopped resisting or is compliant. The officer should advise the subject “you’re under arrest!”

- 1.) An officer should handcuff a subject who has been arrested for a felony, misdemeanor, or ordinance violation and is going to be transported in a Caledonia Police Department Squad.
- 2.) An officer may handcuff a subject who is in custody for a Ch 51 emergency detention and is being transported by squad or rescue to a medical facility. The officer should consider if the subject is a risk to themselves, police officers, or emergency medical personnel. Soft restraints may be used in lieu of handcuffs if the officer and emergency medical personnel believe it would be more appropriate. An officer should use common sense when dealing with individuals who are displaying irrational behavior.
- 3.) An officer may handcuff subject(s) who are being detained, for officer safety. An example would be handcuffing subjects during search warrant execution. The use of handcuffs will be documented via a call summary or full report.
- 4.) Handcuffs are temporary restraining devices. An officer should try to monitor a handcuffed subject.
- 5.) An officer should use only handcuffs approved by the Chief of Police.
- 6.) Subjects should be handcuffed with their hands behind their back. The only exception would be if the subject has a physical or medical reason causing an officer to need to handcuff the subject in front of his or her body.
- 7.) The handcuffs should be applied to the subject’s “handcuff groove” on the little finger side. Handcuffs should be applied with the double strands facing down and the backs of the hands touching (not palms together). Use only touch-pressure and ratchet the handcuff closed. The handcuffs should be snug and checked for proper fit prior to tightness. The officer should then “safety lock” the handcuffs so the handcuffs can’t tighten.
- 8.) Handcuffs should not be used to induce pain or injury to the subject. If a subject complains of injury or pain, an officer should check the subject’s wrists and hands for injury. The

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handcuffs should be checked for proper fit. If there is a sign of injury, the subject should receive medical attention.

- 9.) An officer may use soft leg restraints or ankle cuffs to secure the subject’s legs if the officer feels the subject may try to escape, injure themselves or someone else, or cause damage to property.


G.) MONITOR/DEBRIED/MEDICAL ASSESSMENT: An officer has the custodial responsibility for the subject’s health and safety. By monitoring a subject, compliance is obtained. Officers need to be calm and reassuring. Officers shall treat all prisoners and patients with respect and professionally.

You should conduct medical assessment as follows:

- 1.) Determine the level of consciousness, using verbal or physical stimulus.
- 2.) Check airway, breathing and circulation.
- 3.) Perform a body check for injuries- severe bleeding, gross deformities, etc.
- 4.) Provide necessary treatment to your level of training and if needed or the subject requests it, Caledonia Fire Rescue should be dispatched.
- 5.) Continue to monitor and remain with the subject until he or she is turned over to someone of equal or greater training. Find out if there is a need for long-term monitoring of the subject because of special medical or mental health needs.

H.) SEARCH: An officer may frisk or search a subject.

- 1.) **Frisk:** A frisk is a pat-down search of a subject’s clothing for the purpose of discovering any weapons. (Wis. Statute 968.24 temporary questioning; 968.25 Search during questioning; Terry vs. Ohio). A frisk may be done on someone who is stopped for suspicious activity and there is a reasonable articulable suspicion that the person may possess a weapon.
- 2.) **Search:** Is a thorough checking of the subject, including emptying pockets of the clothing, looking for weapons, contraband, or evidence of crime (Wis. Statute 968.10). A search is done on someone who is in police custody or arrested. **An officer should use appropriate personal protective equipment (i.e. rubber gloves).**
 - a.) When searching a subject, try to have at least two or more officers present.
 - b.) Officers may search members of the opposite gender if a same gender officer is not readily available. Officers shall use body worn cameras for video and audio evidence.
 - c.) Make sure the subject is stabilized before conducting search.
 - d.) Ask subject if he or she has any weapons or other dangerous items (i.e. needles) concealed on his person.


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- e.) Be aware of subjects with special medical conditions.
- f.) Do a systematic check from head to toe.
- g.) Do not forget to check mouth for contraband.
- h.) Check necklaces and other items for things such as weapons, handcuff keys, etc.
- i.) Male officers, remember to use the thumb edge and back of your hand to check the breast area.
- j.) When checking the crotch area, pull the pants up tight. Make sure the subjects' "feet" are spread. Use the thumb edge and your inside hand, check the top of the leg at the crotch. Then, using the back of the hand, check the center of the crotch.
- k.) Have the subject remove shoes to check inside of shoes and socks.
- l.) The officer may use a search wand or handheld metal detector at the Caledonia Police Department.
- m.) Don't assume another officer conducted a thorough search of suspect. If you receive a prisoner, you assume responsibility for everything on that person.
- n.) **An officer must have written permission of the Chief of Police or his/her designee to perform a strip search.** (Wis. Stats. 968.255(1)(4)(b)) Strip search is defined as "a detained person's genitals, pubic area, buttock or anus, or a female person's breast, is uncovered and either exposed to view or touched by a person conducting the search."

I.) ESCORT: An officer should keep physical contact with all subjects who are escorted while handcuffed. A handcuffed subject may not be able to protect themselves during a fall.

J.) TRANSPORT: An officer may have to transport a subject in a squad. All arrested subjects will be searched by the TRANSPORTING OFFICER prior to entering a squad.

- 1.) An officer should search the rear seat of his or her squad at the start of shift and after transporting a subject. The transport officer shall search arrested subjects before transporting.
- 2.) Every occupant of a Caledonia Police Department squad must wear a safety belt.
- 3.) All prisoners will be placed in the rear seat and in a seated position.
- 4.) When an officer transports a citizen, the officer should ID the subject and conduct pat-down search for the officer's safety.
- 5.) An officer should monitor the subject's condition while in transport.
- 6.) Subject will not be placed into a prone position in the rear seat.
- 7.) The window divider will be closed when a subject is in the rear seat.
- 8.) When transporting the officer shall advise dispatch the squad's starting and ending mileage.

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9.) An officer may place a Caledonia Police Department authorized spit hood on subject who has threatened or has spit on officer(s). The officer shall check to make sure the hood is properly secured, and the subject’s airway isn’t restricted.

K.) TURN-OVER/RELEASE: When an officer turns over or releases a subject, he or she should remember to turn over a subject’s property to the proper person whether it is another officer or the subject. If the subject received any injuries and/or medical treatment at a hospital; the transporting officer should turn over any discharge instruction to jail, officer, or subject. The officer should provide the subject his documents such as citations. Officers will treat prisoners/patients with respect.


V.) DOCUMENTATION

A.) FORCE REPORTING

1.) Incident and Supplemental Reports: The primary officer will document the use of force in an incident report and the back-up officer(s) present will submit supplemental report(s) prior to the end of his or her shift:

- a.) When an officer points a firearm at a citizen or suspect(s). *(A call summary will suffice if a full report is not otherwise needed.)*
- b.) When the subject is handcuffed, but not arrested. *(A call summary will suffice if a full report is not otherwise needed.)*
- c.) When control (section C2 or greater) alternatives are used by an officer.
- d.) When a suspect or officer sustains an injury. In addition, when an officer is injured, the shift commander will submit “first report of injury” to the Chief of Police.
- e.) When a critical incident involved a fatality or serious injury, the officer(s) involved may be allowed a reasonable time to submit appropriate reports. (See GO 1.7) with the approval of command staff.
- f.) The shift commander shall leave a copy of the incident report and supplemental report(s) in the Chief’s mailbox prior to the end of his or her shift when incidents involving (A1 a-d) occur.

B.) USE OF FORCE REVIEW: All use of force reports and incidents involving techniques described in Section IV, Intervention Options, Control Alternatives or Protective Alternatives shall be reviewed by a designated Caledonia Police Department supervisor. (Incidents involving the use of deadly force shall be reviewed in accordance with Caledonia Police Department General Order 1.7.)

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	<u>AUTHORITY</u> CHRISTOPHER BOTSCH CHIEF OF POLICE	<u>DATE</u> 03-01-1994	<u>REVISED</u> 05-22-20 11-12-20
	<u>REVIEW DATE</u> 11-2023	<u>DISTRIBUTION</u> ALL PERSONNEL	<u>PAGE(S)</u> 13

The designated supervisor conducting the use of force reviews shall be trained in the proper instruction and application of all use of force techniques outlined and described in the State of Wisconsin Law Enforcement Standards Board Disturbance Resolution Model. The supervisor conducting the review shall apply an objectively reasonable standard when determining if the use of force technique under review was appropriately used and applied.

The designated supervisor for use of force reviews shall keep a record of all use of force incidents and shall report his or her findings to the Chief of Police or his/her designee. The supervisor shall annually, or more often if needed, review use of force reports collectively to attempt to identify any trends and/or training needs. Collective data shall be reported to the Chief of Police or his/her designee on an annual basis.

If an alternate supervisor reviews a use of force report, that information shall be forwarded to the designated use of force supervisor so that the information may be added to the collective use of force data for the agency.