

<b>JOHNSON CREEK POLICE DEPARTMENT POLICY</b>		TITLE: <b>USE OF FORCE</b>	
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SPECIAL INSTRUCTIONS: Amends:			

**(See Attached Appendix at End of Policies)**

**Appendix A – Disturbance Resolution Model**

**Appendix B – On/Off-Duty & Secondary Weapon Approval Form**

**Appendix C – Intervention Option – Motor Vehicle**

## **PURPOSE**

The purpose of this policy is to provide sworn personnel with guidelines for the use of deadly and non-deadly force. Law enforcement officers may use force legitimately when it is needed to achieve control in five specific situations:

- To achieve and maintain control of resistive subjects
- To detain persons reasonably suspected of criminal behavior
- To make lawful arrests
- To defend themselves or others
- To prevent escape

## **POLICY**

It is the policy of the Johnson Creek Police Department that officers use only that amount of force that is objectively reasonable to effectively bring an incident under control, while protecting the lives of the officers and others. When using force, a law enforcement officer is required to act in good faith to achieve a legitimate law enforcement objective.

The reasonableness will be based upon the following criteria:

- The totality of the circumstances
- The perspective of a reasonable officer on the scene
- At the moment force was used
- Without the benefit of 20/20 vision of hindsight
- In circumstances that are tense, uncertain, and rapidly evolving

The State of Wisconsin Department of Justice (Training & Standards Bureau) has provided a general model to assist officers in selecting the proper use of force in each situation. The model is called the Disturbance Resolution Model and is provided in this policy under **Appendix A**.

This policy is for departmental use only and does not apply in any civil or criminal proceeding. The departmental policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

## **DEFINITIONS**

Objectively Reasonable - Amount of force an officer uses must be reasonably necessary to accomplish the law enforcement objective (USSC Case: Graham v. Connor 1989); to determine whether force is objectively reasonable consider the following 3 factors: severity of the crime, whether the suspect poses an immediate threat to the safety of the officer or others, and whether the suspect is actively resisting or attempting to evade arrest by flight (all three need not be present in the determination).

Reasonable Force - A physical act by a police officer in the performance of duty when it is used to accomplish a legitimate law enforcement goal and the level of force used is objectively reasonable considering the totality of the circumstances known to the officer at the time of the incident.

Deadly Force - The intentional use of a firearm or other instrument, the use of which would result in a high probability of death.

Great Bodily Harm - (WI State Statute 939.22) 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 any other serious bodily injury.

Non-Deadly Force - Any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.

Excessive Force - An intentional use of unreasonable physical force done in a sadistic or malicious manner. The application of which exposes an officer to civil suit, criminal liability, discipline or any/all the above.

Passive Resistance - Non-compliant, but non-threatening behavior. An example would be a person who refuses to get out of a car when ordered to do so. The person is not fighting — he or she is simply not complying with orders. Protestors often use passive resistance as a political tactic, staging “sit-ins” to advance their agendas.

Active Resistance - Behaviors that physically counteract an officer’s attempts to control a subject, and which pose a risk of harm to the officer, subject, and/or others. Examples of active resistance include attempting to pull away from the officer’s grasp, running away, getting up after being directed to the ground, and so on

Continued Resistance - An individual is maintaining a level of counteractive behavior that is not controlled with the officer’s current level of force.

Assaultive Behavior - An individual’s direct actions generate bodily harm to the officer(s) and/or another person(s).

Choke Hold – A physical maneuver that restricts an individual’s ability to breathe for the purposes of incapacitation.

Vascular Neck Restraint – A technique that can be used to incapacitate individuals by restricting the flow of blood to their brain.

## **EQUIPMENT DEFINED**

Less-Lethal Impact Munitions - Extended range impact munitions designed to control a violent or potentially violent subject and reduce the need to escalate to a greater force option.

Electronic Control Device - Electronic device that is designed to disrupt neuro-motor control allowing an officer to gain control of a resistive subject.

Baton - Batons must be approved by the department Sergeant/DAAT instructor. Officers shall carry a baton while on duty and in uniform.

Oleoresin Capsicum (OC) - A lachrymatory agent (a chemical compound that irritates the eyes to cause tears, pain, and even temporary blindness) commonly referred to a “pepper spray”.

Police Utility Knife - Fixed Blade: Knife has a fixed blade and a fixed handle.

Folding Blade Knife: The blade mechanically folds into the handle, also referred to as a pocket-knife.

Tire Deflation Device (TTD) – Stop Stick® is the TTD used by the Johnson Creek Police Department. Proper deployment occurs well ahead of an approaching target vehicle, with officers a safe

distance from the contact yet in control of the device position via attached cord reel. Teflon®-coated quills penetrate the tire and function as valves, releasing air at a safe, controlled rate.

Firearm - Officers may choose to buy their own duty weapon approved by the Chief of Police and/or his/her designee.

Personally Owned Firearm – An officer may, carry a personally owned sidearm approved by the Chief of Police and/or his/her designee.

#### USE OF FORCE (Act 75 §175.44)

The sanctity of human life. In serving the community, law enforcement officers shall make every effort to preserve and protect human life and the safety of all persons. Law enforcement officers shall also always respect and uphold the dignity of all persons in a nondiscriminatory manner.

Use of force. When using force, a law enforcement officer is required to act in good faith to achieve a legitimate law enforcement objective. A law enforcement officer is authorized to use force that is objectively reasonable based on the totality of the circumstances.

#### A. Duty to Report Noncompliant Use of Force

1. A law enforcement officer who, during his or her law enforcement duties, witnesses another law enforcement officer use force that does not comply with “The Sanctity of Human Life” or “Use of Force” standards described above during that law enforcement officer’s official duties shall report the noncompliant use of force as soon as is practicable after the occurrence of the use of such force.
2. The statutory requirement to report does not apply to an officer who learns about an event that he or she did not personally witness or is off duty at the time of the incident.
3. Each officer who witnessed the violation shall report the violation to their immediate supervisor verbally and then, if requested by your supervisor, in writing unless the officer’s supervisor is the person in violation. The report would then go to the next highest supervisor.
4. This verbal notification and/or written report, if asked for by a supervisor, shall be separate from the incident report and contain the related incident number, location, date, time, victim, officer violator, description of the noncompliant violation, witnesses to the violation and if any video evidence is available.
5. The report should be made as soon as possible after the noncompliant behavior occurred.

## B. Duty to Intervene

1. A law enforcement officer shall, without regard for chain of command, intervene to prevent or stop another law enforcement officer from using force that does not comply with “The Sanctity of Human Life” or “Use of Force” standards described above during that law enforcement officer’s official duties if all the following apply:

- a) The law enforcement officer observes the use of force that does not comply with The Sanctity of Human Life” or “Use of Force” standards described above.
- b) The circumstances are such that it is safe for the law enforcement officer to intervene.

2. A law enforcement officer who intervenes as required under par. (1.) shall report the intervention to his or her immediate supervisor as soon as is practicable after the occurrence of the use of such force. (Follow reporting procedure listed above)

3. The duty to intervene does not limit the duty to on-duty officers; it applies to officers regardless of duty status or location if it is safe for the law enforcement officer to intervene. Some safety issues for an off-duty officer might include but not limited to:

- a) Is the officer in his or her jurisdiction?
- b) Is the officer in uniform or otherwise immediately identifiable as a law enforcement officer?
- c) Is the observed use of force in the context of an ongoing tactical situation?
- d) Is the officer’s intervention likely to escalate the situation?

## C. Whistleblower Protections

No law enforcement officer may be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against regarding employment, or threatened with any such treatment, because the law enforcement officer reported, or is believed to have reported, any noncompliant use of force as required under A and B above; intervened to prevent or stop a noncompliant use of force as required under B above, initiated, participated in, or testified in, or is believed to have initiated, participated in, or testified in, any action or proceeding regarding a noncompliant use of force; or provided any information, or is believed to have provided any information, about noncompliant use of force as required under A and B above.

## USE OF DEADLY FORCE

- A. Law enforcement officers are authorized to use deadly force only as a last resort when the law enforcement officer reasonably believes that all other options have been exhausted or would be ineffective to:

1. Protect the officer or others from what is reasonably believed to be an imminent threat of death or great bodily harm.
  2. Where the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force. Thus, if the suspect threatens the officer with a weapon or there is probable cause to believe that he/she has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used, if necessary, to prevent escape, and if, where feasible, some warning has been given, unless, due to tactical considerations, doing so would create more danger to the officer or others.
  3. If both practicable and feasible, a law enforcement officer shall give a verbal warning before using deadly force.
- B. The department recognizes that there is no constitutional duty to attempt to use non-deadly Alternatives where deadly force is otherwise justified under the constitution. Ref: *Plakas v. Drinski* 19 F .3d 1143 (7<sup>th</sup> Cir. 1994)
- C. Choke Hold or Vascular Neck Restraints
1. The Department does not recognize, teach, or practice the application of choke holds (airway) or vascular neck restraints, also known as (blood chokes).
  2. The use of a choke hold or Vascular Neck Restraint is prohibited, except in those situations where the use of deadly force is allowed by law. A choke hold of any type would be a technique not trained but may be justifiable under deadly force situations only and when all other viable alternatives have been eliminated and the officer fears great bodily harm or death could occur to him/herself, other officers, or citizens.
  3. Officers may use a firearm to destroy an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured or ill. This is NOT considered deadly force as there is no loss of human life.

#### USE OF NON-DEADLY FORCE

- A. If deadly force is not authorized, officers may use only that level of force that is objectively reasonable.
- B. The Wisconsin Law Enforcement Standards Board (LESB) Defense and Arrest Tactics (DAAT) program dictate the following rules for “fighting”:

1. Be effective from the beginning
  2. Never spar with anyone
  3. Hit as hard as you can
  4. Attempt to create dysfunctions
  5. Get the confrontation over quickly
- C. Officers should not continue to use force, except mere physical restraint, after an individual has ceased to resist and has been secured.
- D. Officers are authorized to use any department approved non-deadly force techniques and issued equipment where appropriate to:
1. Protect the officer or others, including the subject, from immediate physical harm where such harm has been implied, threatened, attempted, or is otherwise likely and the officer believes the person(s) can carry out the threat.

#### USE OF FORCE WHILE OFF DUTY

- A. The same criterion for the use of force applies regardless of if the officer using the force is on or off duty. However, off duty officers should take special care to ensure that all involved persons are aware of their police officer status when feasible.
- B. Off-duty officers should consciously evaluate whether [their] involvement is necessary or desirable, given the circumstances, and after determining the importance and urgency for officer intervention.

#### USE OF FORCE REPORT

- A. The following reporting guidelines shall be followed for “Use of Force” situations:
1. Officers shall make an immediate verbal report to their supervisor following any use of force at a level of OC deployment or greater and shall file a written report. Officers shall not file a written report in the event of an Officer Involved Death Incident. The procedures found in Officer Involve Death Policy I7(G)(1).
    - a. Each officer who uses force at a level of OC deployment or greater in an incident shall submit a separate written report. This force need not be by use of a weapon, physical hand to hand force can constitute the need for a report.

- b. When a firearm is discharged except in a training situation or for lawful recreational purposes. If an animal is dispatched legally, the officer does not have to do a report however it must be noted on the case comments.
  - c. When the action results in, or is alleged to have resulted in, injury of another person. In the event of death resulting from officer's actions, the officer shall be removed from his/her line of duty assignment pending administrative review and will **not** complete a written report as stated in Policy I7, Officer Involved Death/Critical Incident.
  - d. Any officer who witnesses a use of force at a level of OC deployment or greater shall advise a supervisor and submit a supplemental report to the original incident report if that use of force did not result in death.
2. All Use of Force Reports shall contain a completed Use of Force Report form under the respective case. The supervisor will be responsible for making sure all paperwork is completed and sent to the proper personnel. The Use of Force Report is found under Policy F8a and shall be utilized in said instances.

#### POST FORCE AFTER-CARE

- A. Evaluation by EMS shall be provided as soon as the scene is secure whenever a person is injured because of force.
- B. Evaluation by EMS shall be provided if the secured combatant requests it.
- C. Any person subjected to Deadly Force shall be evaluated by emergency medical personnel.
- D. Any person subjected to passive or active countermeasures will be monitored by department personnel to ensure that the subject is not injured. The officer will assess if medical attention is needed.
- E. Any person sprayed with O.C. shall be provided the opportunity to have their eyes flushed with water as soon as practical unless the subject refuses or continues to be resistive. If the person does not visibly improve after 45 minutes or the officer observes other problems and/or the person requests medical attention – call EMS.
- F. Any person placed in an incapacitating hold/technique shall be taken to a medical facility for evaluation prior to incarceration. Moreover, the jail personnel will be notified that an incapacitation technique was administered.
- G. Any person subjected to less lethal munitions shall be taken to a medical facility for evaluation prior to incarceration. EMS may be utilized for an on-scene evaluation if the combatant is cooperative.

- H. Any person exposed to an Electronic Control Device (ECD) shall have emergency medical personnel summoned if one or more of the following occur:
1. The person is exposed to (3) or more ECD cycles
  2. The person is exposed to (1) continuous cycle of fifteen (15) seconds or greater
  3. If a person has been subjected to more than one ECD simultaneously
  4. ECD probes have struck the head, groin, genitals, or female breasts. Officers in this case will not attempt removal of probes but rather allow EMS personnel to do so.

### SUPERVISORY RESPONSIBILITIES

- A. A supervisor will be summoned and shall respond to any incident of the use of force beyond OC deployment on a priority basis. In any instance of use of force beyond OC deployment the supervisor will:
1. Document the officer and suspect's statements of actions taken, injuries sustained, and medical treatment needed or desired.
  2. Identify witnesses as appropriate and complete investigation follow-up, as necessary.
  3. Document, as necessary, the scene of the incident.
  4. Interview any health care provider concerning the injuries sustained and their consistency with the use of force.
  5. The supervisor shall submit to the Chief of Police a complete review of any use of force beyond OC deployment. The supervisor use of force report form can be found in Policy F8a, Use of Force Supervisor Form, and supplement it with any additional material, as necessary.
- B. The responding supervisor will immediately notify the Chief of Police in cases involving serious injury - involving hospitalization, or death of a person resulting or allegedly resulting from an officer's use of force.
- C. The Chief of Police will review the appropriate reports relative to the incident, conduct such further investigation of the incident as may be deemed necessary to determine adherence to policy and procedures, and completeness of the report. Where further documentation or investigation is required, the Chief of Police shall notify appropriate personnel.

- D. The Chief of Police or his designee shall conduct a documented annual analysis of use-of-force incidents to identify trends that could reveal the need for training, equipment, or policy modifications.

#### PHYSICAL RESTRAINTS

- A. All persons in custody or otherwise restrained for safety should be so restrained using handcuffs with hands behind their back, palms facing outwards. There may be times where the subject is handcuffed in front such as someone with injuries not allowing their arms safely into a position behind their back. The reason for handcuffing a subject in front shall be documented in the officer's report.
- B. Multiple prisoners may be handcuffed together if there is an insufficient supply of handcuffs available at the scene.
- C. Prisoners will not be handcuffed to any part of a vehicle during transport.
- D. Additional approved restraining devices may be used to secure a prisoner who violently resists arrest or who manifests mental disorders such that he/she poses a threat.
- E. The act of "hog tying" is strictly prohibited.

#### OLEORESIN CAPSICUM SPRAY (OC)

- A. All Officers will be trained in and certified for the use of OC by an Instructor; uniformed Patrol Officers will carry issued OC while on duty.
- B. Officers will maintain all OC spray devices in an operational and charged state. Replacements for damaged, inoperable, or empty devices are the responsibility of the officers to whom they are issued.
- C. Use of OC spray is permitted as a control alternative when either or both are present:
  - 1. The person demonstrates active resistance or the threat thereof.
  - 2. When it appears that mere physical restraint would be/is ineffective based on the totality of the circumstances.

## INCAPACITATING AND STUNNING TECHNIQUES

- A. Officers may use the diffused strike or vertical stuns to cause immediate, temporary cessation of violent behavior. These techniques usually render the subject temporarily unconscious.
- B. These techniques fall under protective alternatives and may be used to overcome continued resistance, assaultive behavior, or their threats.

## BATON

- A. All Officers will be trained in and certified for the use of baton by an instructor, uniformed Patrol Officers will carry a department approved baton while on duty.
- B. The main goal of using intermediate weapons is to impede a subject, preventing him or her from continuing resistive, assaultive, or otherwise dangerous behavior.
- C. The intermediate weapon is classified under protective alternatives but may also be used as a control alternative depending upon the situation.
- D. The baton can serve as a deterrent as well—often simply the display of the baton as part of the officer's official presence will cause a subject to decide to comply rather than resist.
- E. Officers will take photographs of the impact area(s) on the body for documentation.

## LETHAL LESS IMPACT MUNITIONS (LLIMS)

- A. LLIMS are classified as “extended range batons”. They may be utilized by officers in circumstances where protective alternatives (intermediate weapons) may be appropriate for resolving the situation and/or when the risk associated with closing the distance on the subject to take control makes other alternatives unsafe. When deploying LLIMS, our goal is to resolve a potentially violent situation with a minimal amount of force and the least likelihood of serious injury to all involved participants.
  - 1. Only officers who have met the department’s training requirements and bi-annual recertification for use of LLIMS are permitted to carry and deploy LLIMS.
- B. The department’s LLIM weapon is a 12-gauge shot gun (bean bags). These shotguns will not be used for any other purpose.
  - 1. Prior to intended deployment or use of the LLIM weapon, officers should inform other police personnel in the immediate vicinity that LLIMS will be deployed. The command is “IMPACT!”

2. Prior to deploying, a determination will be made regarding the need for a lethal cover officer. Such cover is required in cases in which the suspect possesses a weapon.
3. LLIMS should be directed at subject target areas based on the totality of the circumstances.
4. Officers should collect all expended LLIMS. An inventory of LLIMS used and not used should be noted.
5. Officers will take photographs of the impact area on the body for documentation.

#### ELECTRONIC CONTROL DEVICES (ECD)

- A. ECD's are designed to overcome active resistance or the threat thereof. Officers may include in the decision-making process regarding whether to use the ECD - information known to the officer at the time of the incident, including conduct or statements of the subject or prior history of resistive or assaultive behavior.
- B. Only officers who have satisfactorily completed an approved training course will be authorized to carry ECD's while on duty. Uniformed Patrol Officers shall carry ECD's while on duty.
- C. Officers shall inspect the ECD's before the start of their shift to ensure that the unit is working properly by completing a spark test.
- D. The device will be carried in a department approved holster. The device shall be carried fully armed with the safety on in preparation for immediate use when authorized.
- E. Only agency approved battery power sources may be used in the ECD.
- F. The department approved ECDs are the Taser X-2.

#### POLICE UTILITY KNIFE

- A. All officers may carry police utility knives (knife) as authorized by this policy. The knife is intended solely for the purpose of carrying out the general duties and designated specialized assignments of police operations; its use as a defensive or offensive weapon is authorized only in exigent circumstances.
  1. The knife must be of such quality and design to withstand the rigors and job responsibilities of their assignment.
  2. Knives shall be secured in either a scabbard (for fixed blades) or folded and secured. Knives shall remain concealed except for a scabbard or a clip.

#### B. Prohibited Uses

1. Display a knife in any offensive or threatening manner without legitimate operational justification.
2. Carry a knife in any manner that shows the blade exposed. The blade is not to be displayed in any event other than an authorized deployment situation.
3. Carry the knife while handling prisoners in a custodial facility, except when needed for rescue, suicide prevention, or other authorized purposes as determined by supervisory officers.

#### C. Use as a Weapon

1. The police utility knife may be used in defensive or offensive capacities under exigent circumstances. Under such circumstances it shall be deemed a use of deadly force and proper Use of Force policies are to be followed.

#### D. Compliance with State Law

1. Both on and off duty officers shall comply with State law regulating carry.
2. Officers are responsible for maintenance, safe storage, and use of his/her Police Utility Knife. Any on or off duty injuries must be reported to supervision.

#### E. Training

1. Training will be done during Field Training, In-Service Training and by Policy.

### Motor Vehicle Procedures: Roadblocks, Blockades and Ramming

1. Roadblocks, blockades, tire deflation devices and ramming may be utilized to apprehend a violator or person otherwise attempting to evade arrest or elude an officer, when all other reasonable means of apprehension have been exhausted, or the continuation of the pursuit may result in significant injury to the public, the officer, or the suspect.
  - a) Roadblocks or blockades without escape routes are considered deadly force and are considered Force to Stop techniques whereby the driver must stop or crash. (**Appendix C**)

- b) Roadblocks and blockades with escape routes (a vehicle operating at a speed could maneuver through the roadblock or blockades safely) are considered Protective Alternatives to convince the driver to stop voluntarily. Stop voluntarily. (**Appendix C**)
2. Amount of Force: roadblocks, blockades, tire deflation devices and ramming procedures must be executed in such a manner that if utilized do not constitute deadly force, unless deadly force is otherwise justified by the provisions of this policy.
  3. Emergency Equipment: all Squads utilized in setting up any type of blockade, or roadblocks shall have all appropriate available emergency equipment activated.
  4. Safety: whenever a blockade, roadblock, ramming, or tire deflation procedure is employed, it shall be established in a safe manner taking into consideration the safety of the officer, the occupants of the affected vehicle, the general motoring public and innocent third parties.
  5. Ramming: ramming or forcing a fleeing vehicle off the highway is generally prohibited and should be considered in only the most extreme circumstances, and then only when all other reasonable methods of stopping the fleeing vehicle have been attempted.

#### TIRE DEFLATION DEVICES (TDD)

- A. Tire deflation devices will be authorized in the below circumstances:
  1. To assist in the termination of a pursuit.
  2. As part of a roadblock.
  3. To impede movement of a vehicle to prevent the escape of a suspect.
  4. Only by department trained/certified users.
- B. Deployment during a pursuit will be approved by a supervisor.
  1. If a supervisor is not available, an officer may use their discretion to deploy the device, following trained procedures.
- C. TDDs should not be used when the risk of use creates a greater danger than non-apprehension of a suspect.

1. Unless the suspect represents a threat to cause death or great bodily injury, TDDs shall not be deployed in areas including, but not limited to:
    - a. Special events.
    - b. A construction zone occupied by workers.
    - c. Occupied playgrounds or schools.
    - d. Steep embankments, curves or other physical obstacles that limit the officer's view or traffic and the approaching pursuit.
    - e. Occupied school or passenger buses (when occupied by passengers other than the suspect).
    - f. Vehicles transporting hazardous materials.
    - g. Motorcycles, mopeds or similar two wheeled vehicles **unless the use of deadly force is justified.**
  2. Accurate and timely communication between officers and dispatchers is critical when using the TDD.
    - a. Pursuing units must notify the officers at the deployment site well in advance, while deploying officers must notify the pursuing units and dispatch when the units are in place.
  3. Any officer deploying a TDD will be responsible for the preparation of reuse, replacement, maintenance, and storage of the TDD, and the collection of debris left at the scene.
- D. When deploying a TDD officer safety is paramount. Officers will attempt to utilize a location that provides safety and cover. Emergency lighting shall be turned off.

Officers shall use a location that provides cover, such as:

1. Behind a large tree.
2. Behind a bridge abutment.
3. Behind any concrete barrier/guardrail.  
Behind any cover that will prevent you from being struck by the fleeing vehicle.

4. If none of these types of cover are available, **do not** deploy the TDD. The emergency lighting system in the squad car should **remain off**. The squad should be positioned away from the area where the pursued vehicle path will be. **Do not** use the squad car as cover.
- E. After the suspect vehicle has passed and (if possible) prior to the passage of pursuing units, the TDD should be removed from the roadway. Officers will notify dispatch when the roadway is clear.
1. If the TDD cannot be removed in time after the target vehicle drives over them, pursuing officers should also drive over the TDD and not try any evasive maneuver to avoid them.
- F. Deploying officers shall document the use of TDDs in the written report.
1. Include damage to any vehicles that is caused by the device.
- G. If necessary, or as directed by a supervisor, property inventory and/or photograph used spike strips for evidentiary purposes.
- H. At an officer's discretion and as necessary, TDDs may be placed in the path of a stationary vehicle to prevent the escape of a suspect.

## FIREARMS

- A. Department Issued Weapon.
1. The duty firearm or personally owned firearm of a uniformed patrol officer shall be carried with 2 extra magazines that shall be fully loaded with departmentally issued ammunition and carried in a departmentally authorized leather or leather-look alike holster and shall be immediately available at all times when the member is on duty and/or in uniform.
  2. Members may, if they choose to do so, purchase (at their own expense) their own off duty firearm with approval from the Chief of Police and/or his designee and upon successful training and qualification, carry the weapon on/off duty.
  3. For personally owned firearms purchased, the member shall purchase at his/her own expense (or through the uniform allowance) all accessories for the weapon including a leather or leather look-alike holster, three magazines and a magazine pouch. The Chief of Police must approve all accessories before they can be used on duty.

## B. Secondary Handguns.

1. A member must apply in writing to the Chief of Police to obtain authorization to carry while on duty a secondary handgun (**See Appendix B**). The Chief of Police reserves the right to deny members the authorization to carry a secondary handgun based upon, but not limited to any of the following:
  - a. Inadequate training with the proposed handgun.
  - b. The firearms having been deemed inappropriate due to caliber, size, or mechanical condition.
  - c. The method of carrying the weapon having been deemed by the Chief of Police as being unsafe or inappropriate for police service.
  - d. The member's failure to show proficiency with the proposed handgun.
2. Every aspect of these policies and procedures shall apply to the carrying on duty of authorized secondary handguns regardless of ownership, including the requirement to qualify annually with the specific secondary handgun and to surrender such handgun upon demand by the Chief of Police to the Department for examination or for other purposes.

## C. Shoulder Fired Weapons.

1. The primary shoulder fired weapon is the departmentally owned and maintained .223/5.56mm caliber rifle. This weapon is loaded with departmentally approved ammunition and shall not be loaded with ammunition other than that provided by the Department.
2. All officers, upon certification of training and qualification by a Firearms Instructor, shall carry while on duty, departmentally owned .223/5.56mm caliber semiautomatic rifles. Officers will first undergo a course of training determined by the firearms Instructor and approved by the Chief of Police and then demonstrate proficiency with this weapon. Upon successful proficiency and successfully passed their qualification. A copy of the copy will be put into the officer's personnel file.
3. No personally owned shoulder fired weapons are permitted while the officer is on duty.
4. The patrol rifle shall not be used beyond an officer's level of training.
5. Each squad has a patrol rifle in the squad. The chamber shall be empty, bolt closed, dust cover closed and safety on (squad ready).

D. Possession of Firearm; On and Off Duty.

1. Officers on duty shall have in their possession and readily available the departmentally authorized firearm. Officers may carry a secondary handgun as defined in section B.
2. Officers are neither encouraged to, nor discouraged from the carrying of firearms while off duty. If the officer chooses to go armed while off-duty with a weapon other than their approved/issued duty weapon, the handgun needs to have been approved under **Appendix B**.
3. Off-duty officers should weigh the need to act with the benefit of calling on duty officers to intervene in a given situation. An officer's off-duty action(s) must be objectively reasonable in any given situation. All aspects of the situation should be taken into consideration when deciding on a course of action. In some instances, it may be more beneficial for an off-duty officer to be a good witness, rather than to make an attempt to detain or arrest.
4. Officers shall not consume intoxicating beverages while armed and are discouraged from being present while armed on premises where the main occupation is the sale or serving of intoxicating beverages.

E. Alteration of Firearms Prohibited.

1. No member may alter from its originally manufactured configuration, without the express consent of the Chief of Police, any firearm carried or used while on duty.

F. Weapon Mounted Light Systems.

1. Various weapon mounted lights may be authorized. Only weapon mounted lights approved by the Chief of Police will be authorized and must comply with the following:
2. The weapon mounted light is to be used only when the display and use of the weapon is appropriate. The weapon shall not be solely used as a flashlight under any circumstances.
3. Officers using weapon mounted lights shall always have another flashlight available to them to use for illumination when light is needed and the display and/or use of the weapon is not imminent and/or appropriate.
4. Officers using weapon mounted lights shall be able to secure the weapon and light system in an approved holster when on duty and not in use.
  - a. This section does not apply to weapon mounted lights on shoulder fired weapons.

G. Authorized Ammunition.

1. Only ammunition supplied and issued by the Department shall be carried or used while on duty in any authorized firearm.
2. Only approved ammunition shall be authorized for off-duty carry.

H. Registration Maintenance of Firearms, Inspection.

1. All department firearms and officer owned handguns intended for use in the performance of duty shall be registered with the DFI (Department Firearms Instructor) prior to being carried. The registration shall include the weapon type, description manufacturer, model, serial number, and name of the owner or assignee.
2. The FI (Firearms Instructor) should visually inspect each firearm to be used prior to any firing session over which he/she presides. The firearm will be inspected for mechanical operation, cleanliness, and overall condition. Firearms found to be damaged or otherwise inoperable shall be removed from service until repairs can be made by a certified armorer or factory authorized technician. The FI will maintain a record of each firearm approved for use.
3. No member should perform any repair or non-routine maintenance on any departmentally owned firearm without the express consent of the Chief of Police. Departmentally owned firearms shall be serviced only by a certified armorer or factory authorized service technicians. If the member chooses to use a firearm, they own for department use and the make is not one in which the Department provides and Armor for, it is the responsibility of said employee to incur all cost of maintenance and mandated yearly inspection. Uniform allowance may be used for this.
4. Secondary handguns carried under section 3 (Secondary Handguns) of these Policies and Procedures shall be purchased and maintained at the expense of the member. The Department shall not be liable for the repair or replacement cost of any secondary handgun regardless of the circumstances of the damage or loss.

I. Use of warning shots are prohibited.

J. Notification of Firearms Discharge.

1. Whenever an officer deems it necessary to discharge any firearm while on duty or while acting in an official capacity while off duty for any reason, he/she shall contact a supervisor as soon as possible.

2. In the event of accidental discharge, the officer will immediately notify their direct supervisor and advise any officers in the immediate area of the accidental discharge. A supervisor will immediately respond to the scene to determine whether and investigation is warranted.

## DIRECTIVE FIRE

- A. The use of directive fire should only be used accordingly to assist officers maneuvering across an open, unprotected area that is jeopardized by the suspect(s) deadly behavior.
- B. In extreme tactical situations, rifle and/or handgun fire may need to be used to suppress suspect(s) movement or engagement.
- C. It is employed to prevent a suspect(s) from observing officers and/or civilians and to prevent the suspect(s) from effectively using a weapon against them. When a sustained volume of accurate, directive fire is placed on suspect(s) locations to contain him/her, it can be effective even though the suspect cannot be seen.
- D. Effectively pinning the suspect(s) down behind cover reduces the ability for a suspect to deliver fire and allows friendly forces to move to a better position of safety.
- E. The course of fire by the officer(s) should be:
  1. Controlled and Deliberate.
  2. Directed at a life endangering threat where the officer reasonably believes the threat is located.
  3. Deployed when all other options are not feasible.
  4. Directed at a target specific deadly threat area.
- F. Directive fire should commensurate with officers and/or civilians moving out of (or through) the "kill zone" to a position of safety.
- G. If officers are being engaged by a suspect(s), they should not attempt to move until directive fire is established.
- H. Officers using directive fire will attempt to broadcast their intent to do so to prevent contagious fire.

## TRAINING

- A. Use of trained techniques are preferred; however, techniques not trained may be used if they fit the situation and the guidelines laid out in this policy. Techniques may be dynamically altered on the street.
- B. In addition to in-service training, officers may receive agency-authorized training designed to simulate actual use of force situations and conditions and, as otherwise necessary, to enhance officers' discretion, judgment, and tactics in using deadly and non-deadly force in accordance with this policy. Less Lethal weapons training will be held biennially. Use of Force policies will be reviewed at least annually by any personnel authorized to carry weapons.
  - 1. Firearms training shall be held as determined by the Department Firearms Instructor(s). Training does not necessarily construe a qualification, or even live-fire drills. Officers need to demonstrate knowledge of laws covering the use of weapons and knowledge of agency policy on all aspects of use of force.
  - 2. Firearms qualification will be held annually. Officers who fail to qualify at the minimum level of proficiency shall receive additional training at the discretion of the DFI. If, after additional training, the member is still unable to qualify at the minimum levels, the matter shall be referred to the Chief of Police for further action. An officer who cannot show proficiency with their duty weapon will be removed from full duty until successful remediation has occurred.
  - 3. All officers authorized to carry firearms other than their primary duty weapon (rifle, etc.) shall be required to qualify with each authorized firearm annually. Officers need to demonstrate safe handling and proficiency of all approved weapons.
  - 4. Qualification for off duty weapons will be held on an annual basis. Officers who fail to qualify at the minimum proficiency shall receive additional training at the discretion of the FI. If, after additional training, the member is still unable to qualify at the minimum levels, the matter shall be referred to the Chief of Police for further action.
  - 5. The Department firearms instructors shall maintain a log of all firearms training, as well as weapons used by individual members during training periods.
- K. Procedures – Range Conduct
  - 1. The firearms instructor shall be in charge at all times when officers are on the firing line.
  - 2. Only weapons and ammunition issued by the department shall be used during qualifications or if qualifying with off-duty weapons.

3. Officers waiting to shoot shall remain outside the immediate firing area.
4. Horseplay shall not be permitted on the firing range. Anyone engaged in horseplay shall be asked to leave the range, and the firearm instructor shall write a report to the chief of police detailing the circumstances.
5. The firearm instructor shall inspect all weapons before firing to (1) ascertain that weapons are safe and (2) to ensure that weapons are properly maintained.
6. All sworn personnel are required to qualify on the firing range with the handgun he/she carry in their capacity as a police officer, either on or off-duty. Personnel must qualify at least once a year, for each weapon they may carry, with a minimum score of 75%.
7. Officers who fail to qualify shall be placed in remedial training as soon as practicable and shall be removed from patrol or investigative duties until the standards expressed herein are met. Officers who cannot qualify within thirty days of the original qualification shall be subject to administrative termination.
8. Before going to the shooting line, each officer shall wear approved bullet proof vest, protection for eyes and ears.
9. All weapons and ammunition pouches shall be emptied within the firing range upon command and under supervision of the firearms instructor. The instructor shall instruct all shooters on range safety procedures before the range takes place.
10. Once weapons have been emptied, they shall remain in holsters until officers have taken positions on the firing line and the firearms instructor has given permission to load with ammunition.
11. Once a shooting phase has begun, weapons shall be kept pointed down range, and officers shall remain facing their target. An officer shall raise his/her hands to draw the instructor's attention if he or she misunderstands a command.
12. In case of a misfire, keep the weapon pointed down range for at least 10 seconds (in case of a delayed reaction) before removing a magazine and inspecting the chamber, as appropriate to the weapon. Never attempt to fire the next round without first having the firearms instructor check the weapon.
13. At no time shall anyone go beyond the firing line until it is safe, and then only when the firearms instructor gives the command.

14. Keep the trigger finger out of the trigger and outside the trigger guard until you have made the decision to fire.
15. With the chamber open, always check the weapon twice to make sure it is unloaded.

B. Patrol Rifle

1. Every officer must pass the patrol rifle qualification course before carrying department-issued rifle.
2. The qualification course shall include:
  - a. Knowing how to load and unload the rifle.
  - b. Firing at least 10 shots, some from different positions.
  - c. Officers shall be able to take apart, clean and reassemble the rifle.
3. The ammunition chamber shall be left open and the safety on until instructed by the firearms instructor to load or check the weapon.

United States Supreme Court (USSC) Cases cited:

Graham v. Connor, 490 U.S. 386 (1989)

Tennessee v. Garner 471 U.S. 1 (1985)

Plakas v. Drinski 19 F.3d 1143 (7<sup>th</sup> Cir. 1994)

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Gary Bleecker  
Chief of Police

01-24-2022  
Date

## **Appendix A**

### **Disturbance Resolution Model**

#### **1. Approach Considerations**

- |                        |   |
|------------------------|---|
| a. Decision Making     | Justification                               |
|                        | Desirability                                |
| b. Tactical Deployment | Control of Distance                         |
|                        | Relative Positioning                        |
|                        | Relative Positioning with Multiple Subjects |
|                        | Team Tactics                                |
| c. Tactical Evaluation | Threat Assessment Opportunities             |
|                        | Officer/Subject Factors                     |
|                        | Special Circumstances                       |
|                        | Level/Stage/Degree of Stabilization         |

#### **2. Intervention Techniques**

<b>Mode</b>	<b>Purpose</b>
a. Presence	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

#### **3. 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     |

**Appendix B****ON/OFF DUTY WEAPON AND SECONDARY WEAPON**

<b>OFFICERS NAME</b>	
<b>TYPE OF WEAPON</b>	<input type="radio"/> OFF DUTY <input checked="" type="radio"/> SECONDARY
<b>MAKE</b>	
<b>MODEL</b>	
<b>CALIBER</b>	
<b>SERIAL #</b>	
<b>MAGAZINE/CHAMBER CAPACITY</b>	
<b>AMMUNITION</b>	
<b>BRAND OR TYPE</b>	
<b>QUANTITY OF AMMUNITION CARRIED</b>	
<b>HOLSTER TYPE AND LOCATION CARRIED ON PERSON</b>	
<b>TRAINING EXPERIENCE</b>	
<b>LAST QUALIFICATION DATE</b>	
<b>LAST TRAINING DATE</b>	
<b>PERSONAL EXPERIENCE TIME WITH WEAPON</b>	

**CHIEF'S APPROVAL:** \_\_\_\_\_**TRAINING SUPERVISOR APPROVAL:** \_\_\_\_\_**OFFICER'S APPROVAL:** \_\_\_\_\_

## **Appendix C**

### Intervention Option – Motor Vehicle

Mode	Tactic	Purpose
Presence	Authorized emergency vehicle	To present a visible display of authority
Dialogue	Emergency lights Siren Communication with dispatch Approach contact	To persuade
Control Alternatives	Multiple units Coordination of multiple units  Use of tire puncture strips/barricades Channelization Non-approach contact	To overcome passive or active resistance, or their threats
Protective Alternatives	Pursuit Intervention Techniques Boxing in Roadblocks (allows for an escape route) High risk contacts (unknown)	To overcome continued resistance, assaultive behavior, or their threats
Deadly Force	Ramming Roadblock (no escape route) Shooting from a moving vehicle High risk contacts (known weapons/shots fired) Other means as a last resort	To stop an imminent threat