

Village of Summit Police Department		<h1>Use of Force</h1>	
Total Number of Pages: 14			
Policy Number: 5.1	Issue Date: 05-29-2014	Effective Date: 07-01-2014	Review Date: 01-17-2025
Amends/Replaces Policy: Use of Force (12-20-2021)		Updated: 01-17-2023	Issuing authority: Chief MJH

**PURPOSE:**

The purpose of this directive is to recognize the Summit Police Department's legal and moral responsibility to use force wisely and judiciously, as well as to establish policy to govern the use and reporting requirements for the use, of all firearms and weapons used by this department.

**POLICY:**

It is the policy of the Summit Police Department that force will only be resorted to after officers reasonably believe it is necessary in the performance of legal duties; that deadly force will never be resorted to until an officer reasonably believes that a lesser degree of force would be insufficient to defend the life of the officer, the life of another, or, in limited situations, to apprehend a dangerous felon.

**POLICY REFERENCE:**

This directive incorporates the requirements of Sec. 66.0511 (2), Wisc. Stats. and recognizes the Wisconsin Department of Justice, Law Enforcement Standards Board document, entitled, A Training Guide for Law Enforcement Officers, Defensive and Arrest Tactics, (Copyright 2007), and A Training Guide for Law Enforcement Officers, Electrical Control Devices, (Copyright 2008), as the department's guidelines to establish Defensive and Arrest Tactics (DAAT) for this department's use of force.

**LEGAL REFERENCE:**

This directive is promulgated pursuant to §939.45 through 939.49, §174.01(1) and §175.44 Wisc. Stats.; Tennessee vs. Garner 105 S.Ct. 1694 (1985); Graham vs. Conner, 409 U.S. 386, 109 S.Ct. 1865, 104 L.Ed. 2d 443 (1989).

**SCOPE:**

This directive applies to all personnel of the Summit Police Department.

**I. Use of Necessary Force**

A. Per Wisc. Stat. §175.44(2)(b), 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, including:

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

- B. It is expected that officers can and will maintain a “position of advantage” in use of force situations. Officers are not required to escalate step-by-step through the Intervention Options. As the situation dictates, officers may move from any mode to any other if that officer reasonably believes that a lower level of force would be ineffective. Once an individual is under control, officers are required to revert to the lowest mode of force necessary to maintain that control and begin follow-thru procedures.

## II. Use of Deadly Force

### A. Definitions:

1. **Deadly Force:** The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.
  2. **Reasonable Belief:** Facts or circumstances the officer knows, or should know, are such to cause an ordinary and prudent officer to act or think in a similar way under similar circumstances.
  3. **Great Bodily Harm:** Bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.
  4. **Imminent Threat:** The person to whom the officer is intending to use deadly force must have:
    - a. the displayed or indicated intent to cause great bodily harm or death to the officer or another person; and
    - b. a conventional or unconventional weapon capable of inflicting great bodily harm or death; and
    - c. the capacity for the use of a weapon.
- B. Per Wisc. Stat. §175.44(2)(c), a law enforcement officer may 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. A law enforcement officer may use deadly force only to stop behavior that has caused or imminently threatens to cause death or great bodily harm to the law enforcement officer or another person. If both practicable and feasible, a law enforcement officer shall give a verbal warning before using deadly force.
- C. Pursuant to Wisc. Stats. 174.01(1), an officer may kill a dog if the officer or another person is threatened with serious bodily harm by the dog and:
- a. other restraint actions were tried and failed; or
  - b. immediate action is necessary
- D. An officer may discharge a firearm as a last resort to destroy an animal so seriously injured that humanity dictates its removal from suffering.
- E. Prior to being authorized to carry any firearm, all sworn personnel shall receive a copy and demonstrate their understanding of this directive.

## III. Duty to Report and Intervene

- A. Wisc. Stats. §175.44(3) creates a duty to report noncompliant use of force incidents. Specifically, the

statute states:

*A law enforcement officer who, in the course of his or her law enforcement duties, witnesses another law enforcement officer use force that does not comply with the standards under sub. (2)(b) or (c) in the course of 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.*

Officers of the Summit Police Department shall make any such report to a supervisor of the Summit Police Department as soon as is practicable.

- B. Wisc. Stats. §175.44(4) creates a duty to intervene in noncompliant use of force incidents. Specifically, the statute states:

*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 standards under sub. (2)(b) or (c) in the course of that law enforcement officer's official duties if all of the following apply:*

- 1. The law enforcement officer observes the use of force that does not comply with the standards under sub. (2)(b) or (c).*
- 2. The circumstances are such that it is safe for the law enforcement officer to intervene.*

In addition, a law enforcement officer who intervenes as required above, shall report the intervention to his or her immediate supervisor as soon as is practicable after the occurrence.

Factors to consider when determining if it is safe to intervene include, but are not limited to:

- 1) Does the off-duty officer have enough information to determine the use of force observed is noncompliant with Wisc. Stats. §175.44(2)(b) or (c)?
- 2) Does the off-duty officer have enough information to properly assess the threat level posed by the suspect?
- 3) Is the off-duty officer known to the on-duty officer(s)?
- 4) What protective equipment does the off-duty officer have on them?
- 5) Is the off-duty officer in uniform, and therefore easily recognizable as a law enforcement officer?
- 6) Is the off-duty officer under the influence of alcohol or medication, which would reduce his or her safety if he or she were to intervene?
- 7) Any other factor the off-duty officer believes would affect his or her safety if he or she were to intervene.

#### **IV. Warning Shots**

- A. Warning shots pose a danger to officers as well as citizens and are prohibited.

#### **V. Disturbance Resolution**

- A. The disturbance resolution model detailed in the Wisconsin Department of Justice publication, A Training Guide for Law Enforcement Officers, Defensive and Arrest Tactics, (Copyright 2007), provides a model of how to proceed when responding to any sort of disturbance. It consists of three areas:

1. Approach Considerations: Consists of the observations and decisions made during an officer's initial response to a disturbance. They include:
  - a. Decision making - Is officer contact legally justified and is it desirable under the circumstances?

- b. Tactical Deployment - How is the officer going to deploy resources? Considerations include officer positioning relative to the subject and how officers work together to maintain a position of tactical advantage.
  - c. Tactical Evaluation - An officer should attempt to determine the extent or degree to which the subject presents a threat to the officer(s). In tactical evaluation an officer should assess the potential hazards in the contact and decide how to minimize them.
2. Intervention Options: The Defense and Arrest Tactics (DAAT) system provides verbalization skills combined with physical alternatives for officers to use when encountering a disturbance or potential disturbance. An officer should make it a primary objective to maintain control of the situation and subjects involved. The officer may choose the necessary response to gain control of the situation based on the officer's training, experience, and the fact situation. Once an officer has gained control of a subject, the officer must reduce the level of force to that needed to maintain control. An officer's use of verbalization skills and physical alternatives is always in response to the actions of the subject. The following intervention options are available to officers of the Summit Police Department:
- a. Presence – The officer provides a visible display of authority using one of the tactical stances of the DAAT system.
  - b. Dialogue – Verbalization should be used throughout an officer's interaction with subjects, even at very high levels of force. The verbal tactic used by an officer should be consistent with the officer's choice of tactical stance.
  - c. Control Alternatives – Includes a wide range of tactics and tools used to control subjects who are resisting or threatening to resist. Control alternatives consists of four groups of tactics.
    - (1) The first two groups can be used when a subject displays passive resistance. Passive resistance means that the subject is not complying with an officer's lawful order, but the subject is not threatening the officer. Options include:
      - (a) Escort Holds – goal is to safely initiate physical contact
      - (b) Compliance Holds – goal is to overcome passive resistance. This group includes the come along and pressure points.
    - (2) The other two groups can be used when a subject displays or threatens active resistance. Active resistance refers to behaviors that physically counteract an officer's attempts to control a subject and which pose a risk of harm to the officer, subject, and others. Options include:
      - (a) Control Devices – goal is to overcome active resistance or its threat. This group includes oleoresin capsicum (OC) spray and electronic control devices (ECD).
      - (b) Passive Countermeasures – goal is to decentralize a subject. These tactics are appropriate when an officer reasonably believes that he or she will not be able to achieve control with the subject standing.
  - d. Protective Alternatives - these interventions are designed to protect officers in situations when they face subjects continuing to resist or threatening to assault. There are three trained tactics in this mode of the DAAT system:

- (1) Active Countermeasures - Goal is to create a temporary dysfunction of an actively resistive or assaultive subject in order to allow the officer to direct the subject to the ground for stabilization and handcuffing. Tactics include:
    - (a) Vertical Stuns
    - (b) Focused Strikes
  - (2) Incapacitating Techniques - goal is to cause the immediate, temporary cessation of violent behavior. The diffused strike is the only incapacitating technique trained in the DAAT system. The diffused strike will likely render the subject unconscious for a brief period of time.
  - (3) Intermediate (Impact) Weapons - goal is to impede a subject, preventing him or her from continuing resistive, assaultive, or otherwise dangerous behavior. The baton is the only intermediate weapon trained in the DAAT system.
- e. Deadly Force – Goal is to stop the threat. Definitions related to the use of deadly force and the justification for the use of deadly force are detailed in section II of this policy. The only trained deadly force tactic in the DAAT system is the use of a firearm. However, non-traditional weapons may be used when an officer is justified in the use of deadly force and the circumstances require it.
- f. Additional Options – It is recognized that the intervention options trained within the DAAT system represent a basic level of competency in the area of subject control. Officers who have received advanced training on tactics/techniques that are not part of the DAAT system can use such tactics/techniques in a manner that is consistent with the training received, as long as the use of such tactic/technique is consistent with the framework established in the Disturbance Resolution Model of the DAAT system.
- g. Choke Holds/Lateral Vascular Neck Restraint –Any technique that restricts the flow of blood to the brain or restricts an individual's ability to breathe for the purpose of incapacitation is prohibited, unless the use of deadly force is justified.

**Notation:** The Disturbance Resolution is graphically illustrated in appendix A.

3. Follow-thru Considerations: Control is a perception based on the officer's training, experience, and fact situation. Once an officer has gained control of a resistive subject through use of any of the intervention options, the officer must initiate follow-through procedures which include:
- a. Stabilizing Subject - When a subject has been stabilized, it means that he or she has stopped resisting and is in a position where an officer can apply handcuffs. Subjects should be handcuffed with hands behind the back and only if there is a clear medical reason not to do so should an officer consider making an exception.
  - b. Monitoring - Debriefing Procedures: Once the subject is stabilized, the officer must monitor the subject for injuries and conduct an initial medical assessment. The use of any force on a subject may require that the officer summon emergency medical services (EMS) personnel, and that first aid be rendered until such time as EMS personnel arrive.
    - (1) If a subject against whom force has been used has visible injuries, or complains of injuries, the officer will ask the subject if he or she desires medical attention and obtain such if desired.
    - (2) Visible injuries to the subject will be documented with photographs.

(3) Treatment for OC spray includes the following:

- (a) Individuals sprayed with OC should be monitored and verbally reassured that they are safe and that their breathing will return to normal;
- (b) Individuals who are sprayed should, as soon as reasonably possible, be removed to fresh air and faced into the wind. They may be allowed to use cool water, preferably from a running tap or hose to rinse the OC from their face, while encouraging them to open their eyes and flush with water. Make every effort not to allow them to rub their face. If persons sprayed are wearing contact lenses, they should be permitted to remove them; and
- (c) Individuals who are sprayed and complain of continued pain or problems after the affected areas have been flushed with water will be afforded medical treatment, or in any case when symptoms persist beyond 45 minutes.

(4) Treatment for use of an electronic control device (ECD) includes the following:

- (a) Trained officers who use an ECD against an individual shall ensure the person is monitored for injury as soon as practical after control is established. Generally, probes that have penetrated the skin can be removed by a trained police officer. Once the probes have been safely removed, the puncture site can be treated with a sanitizing element and a band-aid. Spent probes and cartridges will be handled as a bio-hazard and will be disposed of in conformance with training methods.
- (b) If an individual requests that the probes be removed by medical personnel, officers shall honor the request. Whenever there is doubt concerning the need for medical attention, it should be resolved through the examination of the subject by an appropriate medical facility.
- (c) Probes that appear too deeply embedded or are embedded in sensitive areas such as the breast of a female, or the face, neck, or groin shall be removed by medical personnel.
- (d) Photographs should be taken of any obvious marks, scratches, or scarring resulting from a drive stun application.

- c. Searching: Once the subject is stabilized, the officer must search him or her for weapons, contraband, or evidence. The search should include a search of the person and the lunge area.
- d. Escorting, if necessary: An officer must escort the subject to a designated area, such as a patrol vehicle and transport to an appropriate location, if necessary;
- e. Transporting: An officer must transport the subject to an appropriate destination, in accordance with the directives, via patrol vehicle, ambulance, etc., if necessary;
- f. Turn-Over and Release: When appropriate, a subject may be turned over to jailers or other authorities, booked and released, or issued a citation and released.

## **VI. Electronic Control Device (ECD) - TASER**

- A. ECD may be used to overcome active resistance or its threat. It may also be used when the subject poses a threat of harm to himself or herself such as self-inflicted injury or a suicide attempt.
- B. Only officers trained by a certified ECD Instructor are authorized to carry or use such weapon.
- C. People Who are Running Away
  - 1. Before deploying a control device during a foot pursuit, ask yourself, "What will the suspect force me to do when I catch him?" If the subject would force you to decentralize him or her during initial physical contact, using an ECD might be a better choice, as the risk of injury to the officer and subject would be less with an ECD as opposed to a passive countermeasure. On the other hand, if you don't think the subject would require you to immediately take him or her to the ground, then an ECD would probably not be the best choice.
- D. A conducted electrical weapon shall not be used:
  - 1. In obvious proximity to flammable liquids, gases, or any highly combustible materials that may be ignited by the device.
  - 2. When it is reasonable to believe that incapacitation of the subject may result in serious injury or death.
  - 3. Punitively or for purposes of coercion.
  - 4. Once an individual is subdued and under control, nor shall it be used against subjects who are offering passive resistance.
  - 5. On subjects appearing to be under the age 12, female subjects who appear pregnant, and individuals who appear frail, unless extraordinary or life-threatening circumstances exist.
- E. The use of an ECD on an animal should be based on the intent to provide a safer, more humane and less traumatic conclusion to the incident. An ECD may be used when:
  - 1. A vicious animal is threatening or attacking a person or other animal and the use of other force is not reasonable, or may not be desired given the situation.
  - 2. An animal needs to be controlled for the reason of public peace or safety, preservation of property, or other legitimate purposes; and the animal poses an active threat to officers in their efforts to perform their duties.

## **VII. Reporting Uses of Force**

- A. The Use of Force Report (Appendix B) will be completed in all instances where an officer resorts to the use of physical force at a level of Compliance Hold or above. This Use of Force Report is an addendum to the incident report. All required narrative reports shall be contained in the incident report concerning the incident.
- B. The following situations shall require the completion of a Use of Force Report:
  - 1. any action resulting in the discharge of a firearm, except for training, for the purpose of destroying an injured animal, or for lawful recreational purposes;
  - 2. any action that results in, or is alleged to have resulted in, injury or death of another person;
  - 4. any force applied through the use of lethal or less-lethal weapons;
  - 5. any action involving the use of an ECD which contributes to the control of a subject. This includes display of an ECD if it directly contributes to subject control. If an ECD is used on a person the serial number of the ECD shall be documented in the officer's report;

- 6. any action involving weaponless physical force at a level of compliance holds and above pursuant to the Disturbance Resolution Model.
- C. Anytime an application of force results in observed or claimed injury to the suspect the officer must notify a department supervisor of the incident as soon as reasonably possible. The notification will be made in person, by department radio, or by phone. The officer will explain the circumstances surrounding the use of force incident and describe the observed or claimed injury. The officer shall note the supervisor contacted, along with the date and time contacted, on the bottom of the Use of Force Report.
- D. A supervisor, having been notified of a use of force incident, shall make the determination as to whether it is necessary to respond to the scene. A supervisor should respond to the scene if he or she is on duty at the time of the incident.
- E. Any time a firearm or other instrument is used for the purpose of destroying an injured animal, the officer shall complete a Destruction of Animal Report (Appendix D). Absent unusual circumstances, it is not necessary to notify a supervisor of these incidents and no incident report is required.

**VIII. Use of Force Report Review**

- A. After the Use of Force Report or Destruction of Animal Report has been completed by the officer it shall be signed and submitted to the Patrol Captain/Lieutenant.
- B. The DAAT instructor, upon receipt of a use of force report, has seven (7) working days to start a review of the incident describing the facts, circumstances and disposition of the use of force incident. In order to standardize use of force reviews, the DAAT instructor shall use the "Use of Force Review Format" (Appendix C) as a guide in the review process. Upon completion, the review will be forwarded to the Chief of Police for review.
- C. When the review is completed, if necessary, the DAAT instructor will see that the officer(s) involved receive the review and go over it with a DAAT Instructor. Any training and/or review of the incident with an involved officer will be documented and become part of the use of force report.

\_\_\_\_\_  
/s/ Michael Hartert, Chief of Police

\_\_\_\_\_  
Date

## Appendix A

### DISTURBANCE RESOLUTION

#### 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 OPTIONS**

##### Mode

##### Purpose

##### **A. Presence**

To present a visible display of authority

##### **B. Dialogue**

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**

**Summit Police Department**

**IR# \_\_\_\_\_**

**Use of Force Report-Checklist**

**UOF# \_\_\_\_\_**

**Force Recipient Name      Last                      First                      Middle**

**Type(s) of Force Used (Check all that apply):**

<input type="checkbox"/> Wrist Compression	<input type="checkbox"/> Decentralization	<input type="checkbox"/> Deadly Force
<input type="checkbox"/> Pressure Point	<input type="checkbox"/> Vertical Stun	<input type="checkbox"/> Other _____
<input type="checkbox"/> Taser Deployment	<input type="checkbox"/> Focused Strike (hand, forearm, knee, foot)	_____
<input type="checkbox"/> Taser Display	<input type="checkbox"/> Diffused strike (brachial stun)	
<input type="checkbox"/> OC Spray	<input type="checkbox"/> Baton Strike	

**What area(s) were targeted by the officer? \_\_\_\_\_**

**What area(s) were actually acquired? \_\_\_\_\_**

**Time Force Used: \_\_\_\_\_                      Day of Week \_\_\_\_\_**

**Injuries claimed by recipient: \_\_\_\_\_**

\_\_\_\_\_

**Injuries or indication of injury visible by officer: \_\_\_\_\_**

\_\_\_\_\_

**Was there medical treatment? \_\_\_\_\_ Type? \_\_\_\_\_ Photographs Taken? \_\_\_\_\_**

**Injuries received by Officer: \_\_\_\_\_**

\_\_\_\_\_

**Submitting Officer Name                      Date**

**Name of Supervisor Notified                      Date      Time**

## **Appendix C**

### **Summit Police Department DAAT Use of Force Review Format**

In order to standardize use of force reviews, the following format will be used:

#### **Incident Summary**

Give a very brief overview of the event. Date, time, place, officers involved, and general circumstances of the conflict are sufficient.

#### **Approach Considerations**

Use the DAAT manual for reference. Review report and critique items specific to this phase of the Disturbance Resolution Model. Render an opinion on whether or not this aspect was satisfied.

#### **Intervention Options**

Specify each use of force that the officer(s) used. After each use of force, render an opinion, using one of the following definitions:

- **Trained and Justified:** The use of force employed by the officer(s) was a trained technique recognized and authorized by the department. The force used was reasonable and necessary to accomplish a lawful objective.
- **Not Trained but Justified:** The use of force employed by the officer(s) was not a trained technique recognized by the department. However, the force used was reasonable and necessary to accomplish a lawful objective.
- **Dynamic Application:** This designation is infrequently used; however, it has an important distinction. As an example, an officer uses a trained and justified technique-let's say a knee strike targeted at the lower abdomen. As a result of the dynamic application of this technique, (the aggressive resistance and movement of the subject) a target area not trained or approved is acquired-such as the head. The officer documents what occurred and the injuries that resulted. A finding of "dynamic application" would be appropriate.
- **Trained but Not Justified:** The use of force employed by the officer(s) was a trained technique recognized and authorized by the department. However, in the opinion of the evaluator, the force used was unreasonable and/or excessive.
- **Not Trained and Not Justified:** The use of force employed by the officer(s) was not a trained technique recognized and authorized by the department. Further, in the opinion of the evaluator, the force used was unreasonable and/or excessive.

#### **Follow-Through Considerations**

Use the DAAT manual for reference. Review the report and critique items specific to this phase of the Disturbance Resolution Model. Render an opinion on whether this aspect was satisfied.

#### **Observations**

Include any suggestions for improvement, positive comments, and/or training suggestions.

**Appendix D**

**Summit Police Department  
Destruction of Animal Report**

DATE: \_\_\_\_\_

OFFICER: \_\_\_\_\_

LOCATION: \_\_\_\_\_

# OF SHOTS: \_\_\_\_\_

TYPE OF WEAPON:      HANDGUN    SHOTGUN    RIFLE

CIRCUMSTANCES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OFFICER SIGNATURE: \_\_\_\_\_

DAAT INSTRUCTOR SIGNATURE: \_\_\_\_\_