

# USE OF FORCE

2/120.00

## I. PURPOSE

The purpose of this policy is to provide Franklin Police Department officers with guidelines in determining the proper use of force, as required by §66.0511(2) of the Wisconsin State Statutes. This will be based upon the standards provided by the State of Wisconsin Department of Justice Law Enforcement Training and Standards Bureau and provided to each officer through training.

## II. POLICY

The Franklin Police Department recognizes and respects the value of human life. Officers have the privilege to use force when it becomes necessary in the performance of their official duties. It is the policy of the Franklin Police Department that officers will use only that amount of force that is reasonably necessary to effectively bring an incident under control, while protecting their lives and the lives of others. The decision to use force and the amount of force to be used will be based on the totality of the circumstances of the incident.

The preferred method to attempt and maintain control is through the use of presence and dialogue. In instances where physical level(s) of force is used to control a subject, that level of force will be dictated by the subject's actions, the facts of that incident, and the responding officer's assessment of the scene. It is not the intent of this policy to direct officers that they must attempt each of the modes of the Intervention Options before escalating/de-escalating the level of force. Proper assessment of each situation will dictate which option an officer will use. Nothing in this policy should be interpreted to mean that an officer is required to engage in prolonged hand-to-hand confrontation before resorting to a level of force that will more quickly, reasonably and safely bring a resistive person under physical control.

Wisconsin State Statutes §939.45; Privilege and §939.48; Self-defense and defense of others, establish standards for police use of force. The department trains officers to use force consistent with these standards.

## III. DEFINITIONS

- A. **Use-of Force Incident**- Use-of-force incident means any of the following:
1. Any incident involving the discharge of a firearm by a law enforcement officer at or in the direction of a civilian.
  2. Any incident involving the discharge of a firearm by a civilian at or in the direction of a law enforcement officer.
  3. Any incident in which an action taken by a law enforcement officer as a response to an act of resistance results in great bodily harm or death.
  4. Any incident in which an act of resistance taken by a civilian against a law enforcement officer results in great bodily harm or death.
- B. **Choke Hold**- the intentional and prolonged application of force to the throat, windpipe, or carotid arteries that prevents or hinders breathing or blood flow, reduces the intake of air, or reduces blood flow to the head.
- C. **De-escalation/De-escalate**- The reduction of an application of force. De-escalation is a concept that involves an officer's use of time, distance and relative positioning in combination with Professional Communication Skills to attempt to stabilize a situation and reduce the immediacy of threat posed by an individual. De-escalation may not be a viable option in every situation as there are many factors that influence its applicability. An officer must have the position of advantage to apply the concept of de-escalation.
- D. **Great Bodily Harm** – As defined in §939.22(14) of the Wisconsin State Statutes: 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.

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## IV. SPECIFIC PROCEDURES

- A. In determining the amount of force that is reasonably necessary to make an arrest, the officer, based upon their training and experience, must consider the guidelines set by the State of Wisconsin Department of Justice Training and Standards Board in the Disturbance Resolution Model.
- B. Where deadly force is not authorized, officers may use only that level of force that is objectively reasonable to bring an incident or subject(s) under control. Once the incident or subject(s) have been controlled, officers will de-escalate their level of force to only what is needed to maintain control. This is a fluid concept and needs to be constantly re-evaluated based on the facts presented at the time of the incident. Force should never be used as punishment. Rather, it is a method to gain or maintain control of a subject(s) that has displayed a level of resistance or assaultive behavior.
- C. Officers are authorized to use force to:
  - 1. Achieve and maintain control of resistive subjects.
  - 2. Detain persons reasonably suspected of criminal behavior.
  - 3. Make lawful arrests.
  - 4. Defend themselves or others.
  - 5. Prevent escape.
- D. When an officer uses force as part of his/her legitimate law enforcement duties, the force used must fit into one of the following three (3) categories:
  - 1. It must be a trained technique, or
  - 2. A dynamic application of a trained technique, or
  - 3. Not a trained technique but justified under the circumstances.
- E. The use of chokeholds is prohibited, except in life-threatening situations or in self-defense.

## V. RESPONSIBILITIES AFTER USING FORCE

- A. Officers have responsibilities after using force. When an officer has used force to establish control over a subject, the officer must stabilize the subject by application of restraints (if necessary), monitor the subject and, do an initial medical assessment. The initial medical assessment must be conducted as follows:
  - 1. Use professional communication skills to calm and reassure the subject.
  - 2. Determine the level of consciousness, using verbal or physical stimulus.
  - 3. Check airway, breathing and circulation.
  - 4. Perform a body check for injuries – severe bleeding, gross deformities, etc.
  - 5. Provide any necessary medical treatment to your level of training.
  - 6. If necessary and/or the subject requests it, activate the Emergency Medical System (EMS).
  - 7. Continue to monitor and remain with the subject until he or she is turned over to someone of equal or greater responsibility. Find out if there is a need for long-term monitoring of the subject because of special medical or mental health needs.
  - 8. Be cognizant of the position that the subject is placed into, especially if restrained. Do not create a positional asphyxia situation.

## VI. REPORTING USE OF FORCE

- A. A supervisor will be immediately summoned to the scene and will comply with investigative procedures as required by the department in all use-of-force incidents.

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- B. A Franklin Police Department Use of Force Report prepared according to departmental procedures will be required in the following situations:
1. Any incident involving the discharge of a firearm by a law enforcement officer at or in the direction of a civilian.
  2. Any incident involving the discharge of a firearm by a civilian at or in the direction of a law enforcement officer.
  3. Any incident in which an action taken by a law enforcement officer as a response to an act of resistance results in great bodily harm or death.
  4. Any incident in which an act of resistance taken by a civilian against a law enforcement officer results in great bodily harm or death
- C. A Franklin Police Department Use of Force Report will include all of the following information:
1. The gender, race, ethnicity, and age of each person who was shot at, injured, or killed.
  2. The date, time, and location of the incident.
  3. The reason for the law enforcement officer's initial contact with the civilian.
  4. Whether any civilian involved in the incident was armed and, if he or she was armed, the type of weapon that the civilian had.
  5. The type of resistance used against the law enforcement officer by the civilian, the type of action taken in response by the officer, and if applicable, the types of weapons used.
  6. The number of law enforcement officers involved in the incident.
  7. The number of civilians involved in the incident.
  8. A brief description regarding any acts of resistance that precipitated the incident and the circumstances surrounding the incident, including perceptions on behavior or mental disorders.
  9. Any other information that is required to comply with the reporting standards of the National Use-Of-Force Data Collection system administered by the federal bureau of investigation.
- D. No later than the 15<sup>th</sup> of each calendar month, a report documenting Use of Force, as defined by and in accordance with the Federal Bureau of investigations (FBI), will be reported to the State of Wisconsin. If there are no Use-of Force incidents, the report must indicate zero (0). This will be completed by the Chief of Police or his designee.

### **VII. DUTY TO INTERVENE**

- A. Any officer present and observing another officer using excessive force, or engaged in unlawful conduct has an affirmative obligation to intercede, if it is safe to do, and report.