

MILTON POLICE DEPARTMENT

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SUBJECT: Use of Force

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PRIOR REVIEWS OR REVISIONS:

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REPEALS: All previous Use of Force policies

PAGE: 1 of 28

I. PURPOSE

The purpose of this policy is to establish guidelines for the use of force by sworn personnel to effect the detention, seizure, or arrest of a person; in self-defense or defense of another; to prevent or intercede in an attempt at self-injury; in defense of property; and in fulfilling the community caretaker function. Proper use of force decisions, based on reasonableness, ensure due process for citizens and provide protection for officers and the Department.

This policy is based on the Defensive and Arrest Tactics (DAAT) program established by the Wisconsin Department of Justice – Law Enforcement Standards Board.

II. POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties. This policy adheres to all applicable federal, state and local laws.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of legitimate law enforcement duties.

The Milton Police Department recognizes and respects the value and sanctity of each human life. The primary duty of members of the department is to preserve the life of all individuals, including the lives of individuals who are in the custody of law enforcement. Law enforcement officers shall also respect and uphold the dignity of all persons at all times in a nondiscriminatory manner. *See Wis. Stat. § 175.44(2)(a).*

When vesting police officers with the lawful authority to use force to protect the public, a careful balancing of all human interests is required. Therefore, it is the policy of this department that police officers shall use only the amount of force they believe reasonably necessary to achieve a lawful objective. The application of deadly force is a measure of last resort, only to be employed when an officer reasonably believes all other options have been

exhausted or would be ineffective.

III. DISCUSSION

Sound police management practices require comprehensive guidelines relating to the overall use of force by law enforcement personnel. Under many circumstances, application of force is a necessary part of the law enforcement profession. A system of review for all uses of force has been established by this policy. Proper training and demonstrated proficiency are necessary to insure the safety of officers and the public should an officer be required to use force in the course of their duties. All sworn personnel will receive a copy and demonstrate their understanding of this policy before being authorized to carry any firearm.

IV. DEFINITIONS

- A. Active Resistance: Behavior which physically counteracts an officer's control efforts and which creates risk of bodily harm to the officer, subject, and/or other persons.
- B. Assaultive Behavior: Direct actions or conduct that generates bodily harm.
- C. 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. See Wis. Stat. § 66.0511
- D. Bodily Harm: Physical pain or injury, illness, or any impairment of physical condition, but less severe than great bodily harm. See Wis. Stat. § 939.22(4).
- E. Deadly Force: The intentional use of a firearm or other instrument, the use of which would result in a high probability of death.
- F. De-escalation: Taking action to stabilize a situation and reduce the immediacy of a threat so more time, options, and resources become available to resolve the situation with a reduced likelihood that physical force will be necessary.
- G. Defensive and Arrest Tactics (DAAT): A system of verbalization skills coupled with physical alternatives. It is the specific system formulated, approved, and governed by the Wisconsin Department of Justice – Law Enforcement Standards Board.
- H. Electronic Control Device (aka Conducted Energy Weapon (CEW)): A battery powered device that uses propelled wires and probes or direct contact to deliver a safe amount of electricity for the purpose of affecting the sensory and motor functions of the human and animal nervous system. The intended purpose of this device is to incapacitate and help control threatened or active resistance and/or violent persons or animals.

- I. Excited Delirium Syndrome: A state of extreme mental and physiological excitement characterized by extreme agitation, hyperthermia, hostility, and exceptional strength and endurance without apparent fatigue.
- J. Firearms Training Coordinator: A Wisconsin certified firearms instructor designated that responsibility by the Chief of Police.
- K. 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. See Wis. Stat. § 939.22(14).
- L. Intervention Options: Trained techniques for intervening and gaining control in a disturbance. The techniques are categorized into five modes; presence, dialogue, control alternatives, protective alternatives, and deadly force, each reflecting the need for an increasing level of control. A list of trained intervention options can be found in Annex B of this policy.
- M. Kinetic Energy Impact Projectiles (aka Impact Munitions): Flexible or non-flexible projectiles, which are intended to incapacitate a subject with a minimal potential for causing death or great bodily harm, when compared to conventional projectiles.
- N. Law enforcement officer: any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce.
- O. Less-Lethal Force Philosophy: A concept of planning and force application, which meets operational objectives, with less potential for causing death or great bodily harm than conventional police tactics.
- P. Non-Deadly Force: An amount of force that, under normal circumstances, would not be expected to result in great bodily harm or death.
- Q. Objective Reasonableness Standard: The standard established by the U.S. Supreme Court in *Graham v. Connor* that reasonableness should be judged from the perspective of a reasonable officer on the scene with similar training and experience and is based on the totality of the circumstances known to the officer at the time the force is applied. Three elements of the standard are:
 - 1. The severity of the alleged crime at issue.
 - 2. Whether the person poses an imminent threat to the safety of officers and/or others.

3. Whether the subject is actively resisting or attempting to evade arrest by flight.

R. Passive Resistance: Non-compliant and non-threatening resistance to lawful orders.

S. Reasonable Belief: A conclusion reached by an ordinary, prudent and reasonably intelligent police officer that a certain fact situation exists under the totality of circumstances perceived by the officer at the time the officer acted. See Wis. Stat. § 939.22.

T. Reasonable Force: A physical act by a police officer in the performance of duty used to accomplish a legitimate law enforcement goal and objectively reasonable under the totality of circumstances as perceived by the officer at the time the officer acted. The totality of circumstances perceived by the officer can include statements made by the person or a known prior history of resistive or assaultive behavior. See Wis. Stat. § 175.44(2)(b).

V. PROCEDURE

A. Use of Force Generally

1. When deemed safe under the totality of circumstances, officers are strongly encouraged to use de-escalation techniques to reduce the need for physical force. Such techniques should not compromise officer or public safety. Techniques include but are not limited to:

- a. Containing the threat;
- b. Placing barriers between the subject and officer;
- c. Creating distance and seeking cover and/or concealment;
- d. Tactical positioning;
- e. Utilizing professional communications, including verbal persuasion;
- f. Requesting additional resources, including additional officers, CIT officers, or less lethal equipment; and/or
- g. Ensuring a proportional response.

2. Officers shall use only that amount of force that is objectively reasonable to control a situation, effect a seizure, or control a person. A force decision shall be based on the Disturbance Resolution Model and the Intervention Options incorporated in the DAAT system and found in Appendix A and B of this

policy.

3. In deciding whether to use force, including which intervention option is appropriate, officers are permitted to consider all information known to the officer at the time of the incident, including conduct or statements made by the subject and prior history of resistive or assaultive behavior.
4. When time and circumstances reasonably permit, officers are encouraged to consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:
 - a. Medical condition
 - b. Mental impairment
 - c. Developmental disability
 - d. Physical limitations
 - e. Language barrier
 - f. Alcohol/drug induced impairment
 - g. Behavioral crisis
5. When officers can reasonably conclude that the lack of compliance is attributed to a condition enumerated in Section 4 above, de-escalation techniques should be considered when appropriate.
6. When force is applied, officers shall not continue to use force beyond that which is objectively reasonable to maintain control once the subject has stopped resisting and control of the subject has been established.
7. All persons arrested will be handcuffed, searched, and then transported in a police vehicle unless exceptional circumstances exist.
8. An officer shall not brandish, display, or threaten the use of any control devices, impact weapons, kinetic energy impact weapons, or firearm unless he or she can reasonably conclude its use may become justified and anticipated.
9. Training Standards
 - a. This policy shall comply with the official training manuals titled *Defensive and Arrest Tactics: A Training Guide for Law Enforcement*

Officers and Firearms: A Training Guide for Law Enforcement Officers, adopted by the Wisconsin Department of Justice's Law Enforcement Standards Board.

- b. The Defensive and Arrest Tactics system contains several trained techniques which are taught in a classroom type setting. It is acknowledged that a dynamic application of a trained technique or the use of an untrained technique could be necessary and justified in a confrontation with a violent subject.

10. Prohibitions

- a. The use of Choke Holds, whether with hands, baton or any other instrument, is prohibited except in situations where the use of deadly force is allowed by law.
- b. The use of Lateral Vascular Neck Restraints is prohibited except in situations where the use of deadly force is allowed by law.

Note: 2021 WI Act 48 prohibits the use of Choke Holds and/or Lateral Vascular Neck Restraints "except in life threatening situation or in self-defense." This Act revises Wis. Stat. § 66.0511 but does not define "life threatening situations" or "self-defense" and nowhere in Chapters 59-66 (Municipalities) and/or Chapters 163-177 (Police Regulations) do the statutes define "life threatening situations". Accordingly, this revision is interpreted consistent with Wis. Stat. § 175.44(2)(c) and its definition of "Deadly Force" – namely force used as a last resort when the officer reasonably believes that all other options have been exhausted or would be ineffective, and only to stop behavior that has caused or imminently threatens to cause death or great bodily harm to the officer or another person. If both practicable and feasible, a law enforcement officer shall give a verbal warning before using deadly force.

11. First Aid and Medical Assistance

- a. Officers who use force against a person shall ensure the subject is monitored for injury as soon as the scene is secured.
- b. If an injury is observed or reported by the person, officers shall provide first aid and/or request medical assistance as needed.
- c. In addition to visible injuries and those reported by the subject, officers should be observant for indicators that the subject is experiencing excited delirium syndrome. Indicators include:

- (1) Sweating or inability to sweat.
 - (2) Dilated pupils/less reactive to light.
 - (3) Rapid breathing.
 - (4) Decreased awareness and perception.
 - (5) Rapid changes in emotions: laughter, anger, sadness.
 - (6) Thought content inappropriate for circumstances.
 - (7) Hallucinations (visual or auditory).
 - (8) Delusions of grandeur, paranoia or reference.
- d. If excited delirium syndrome is suspected, officers shall request an emergency response from EMS. Officers shall ensure the subject is continuously monitored until the subject is evaluated by EMS.

12. Duty to Report

- a. An officer who, in the course of his or her law enforcement duties, personally observes another law enforcement officer using force that does not comply with the standards outlined in Wis. Stats. §175.44(2)(b) or (c) in the course of that law enforcement officer's duties, he or she shall:
- (1) Report the incident to a supervisor as soon as is practicable.
 - (2) Complete a written report documenting the incident.
- b. Intentional failure of an officer to report such violations of civil rights or unlawful use of force shall be investigated and may result in discipline.
- c. Officers involved in the reporting of a noncompliant use of force are, at a minimum, extended all protections under Wisconsin State Statute § 175.44(5).

13. Duty to Intervene

- a. A law enforcement officer who personally observes another law enforcement officer using force that does not comply with the standards outlined in this policy, shall, without regard of chain of

command, intervene to prevent or stop another law enforcement officer from using such force, if any such intervention does not jeopardize safety. See Wis. Stat. § 175.44(4).

(1) Officers must consider numerous factors when determining if it is safe to intervene, some factors may include but are not limited to:

(a) Is the officer in uniform or able to identify themselves as law enforcement officers?

(b) Could an immediate intervention escalate the situation?

(c) Is this a tactical situation or the officer is not in a capacity to intervene?

b. If an officer so intervenes, the officer shall:

(1) Report the incident to a supervisor as soon as is practicable.

(2) Complete a written report documenting the incident.

c. Intentional failure of an officer to intervene or report such violations of civil rights or unlawful use of force shall be investigated and may result in discipline.

d. Officers involved in the reporting of a noncompliant use of force or intervention instances are, at a minimum, extended all protections under Wisconsin State Statute § 175.44(5).

B. Use of Force Reporting

1. Whenever an officer is responsible for an accidental or intentional discharge of a firearm while on duty or off duty (other than during firearms training, hunting, or participating in sporting or recreational activities), or the accidental or intentional use of deadly force by any means, the following notifications shall be made as soon as practical:

a. Used on or directed against a person – Follow protocols in the Officer Involved Critical Incidents Policy.

b. Used against an animal

(1) If a firearm is used to humanely euthanize a dangerous, sick

or injured animal, the officer should notify the Communications Center prior to discharge, if possible, or immediately thereafter.

- (2) The officer shall complete a Minor Incident Report (MIR) in CAD, unless additional circumstances require the completion of a narrative report.
 - c. Unwanted discharge without injury - The officer shall immediately notify a supervisor and complete an interoffice memorandum to the Chief regarding the circumstances of the incident.
2. Whenever an officer takes any use of force action beyond presence and dialog as defined by the Disturbance Resolution Model (Annex B), the officer shall complete a narrative report.
 3. Whenever an officer takes any use of force action against persons or animals beyond presence and dialog as defined by the Disturbance Resolution Model (Annex B) and cooperative handcuffing, the officer shall complete a Use of Defensive Tactics Report (Annex A), in addition to the required narrative report. If the officer is incapacitated or otherwise unable to complete the report, a supervisor shall initiate the report.
 - a. All Use of Defensive Tactics Report shall be given to the Deputy Chief for immediate review.
 - b. All Use of Defensive Tactics Reports which involve injury or death to a person shall be forwarded to the Chief of Police.
 - d. The Deputy Chief shall maintain a file of all Use of Defensive Tactics Reports. The reports will be used to compile an annual report to examine the department's use of force at a broader level. The report will note any patterns or trends that could indicate training needs and/or policy modifications.
 4. Any officer who uses force which results in death or great bodily harm to another person shall be assigned to administrative duties, or may be placed on administrative leave at the discretion of the Chief of Police, pending the completion of the Review Team's investigation and the final action of the Chief of Police. Counseling shall be afforded to officer(s) involved in incidents of death or great bodily harm.
 5. Use of Force Review Team
 - a. The Chief of Police shall determine if the circumstances of any use of

force call for an investigation by a Use of Force Review Team.

- b. The Chief of Police will create the team with law enforcement content experts given the facts of the incident.
- c. The review team shall consist of at least one Use of Force Instructor that holds a current instructor certification from the Wisconsin Department of Justice.
- d. The team does not have to be made up of MPD members.
- e. While the Chief of Police has the discretionary authority to convene a Use of Force Review Team for any use of force, the team will likely investigate the following incidents:
 - (1) The accidental or intentional use of deadly force by an officer, whether or not injury or death occurs.
 - (2) Other than when humanely euthanizing an animal, all incidents involving the accidental or intentional discharge of a firearm
 - (3) All incidents resulting in serious injury to a person by an officer's use of force.
- f. Use of Force Review Team Investigation
 - (1) The team shall conduct a thorough investigation of the incident
 - (2) The team shall provide a written report of their findings and conclusions to the Chief of Police.
 - (3) The report shall include a description of how the investigation was conducted, a listing of all facts established by the investigation, any points of disagreement between the members of the Team, and any recommendation of commendation or discipline if appropriate.
 - (4) The Use of Force Review Team report shall include a finding that the officer's use of force was:
 - (a) Justified and consistent with Department policy;
 - (b) Justified, but contrary to Department policy with

extenuating circumstances present; or

(c) Not justified and contrary to Department policy.

- g. Upon receipt of the team's report, the Chief of Police will determine the appropriate action.
- h. The Chief of Police will forward a copy of the team's report and the Chief's action(s), if any, to the involved officer(s) via the established chain of command and to any other person or agency the Chief of Police deems appropriate.
- i. A copy of the written report shall be kept in the officer's employment file, along with other internal affairs investigation files, administrative files, disciplinary actions, and all substantiated complaints or commendations. *See Wis. Stat. § 165.85(2)i.* Any investigation resulting in disciplinary action will be done in accordance with applicable policies, including the Internal Affairs policy and the collective bargaining agreement.

6. Use of Force Data Collection Program

- a. The National Use of Force Data Collection Program requires law enforcement to report to the FBI any incident where force is used by an officer that involves:
 - (1) The death of a person;
 - (2) The serious bodily injury of a person; or
 - (3) An officer discharging their firearm at or in the direction of another person.
- b. This program is managed in Wisconsin by the Wisconsin Department of Justice Bureau of Justice Information and Analysis.
- c. The Deputy Chief or designee will submit the data related to the above categories to the state through the Badger TraCS software program.

C. Use of Deadly Force

- 1. The use of deadly force is permissible under the following circumstances:

- a. As a last resort when the officer reasonably believes that all other options have been exhausted or would be ineffective, and only to stop behavior that has caused or imminently threatens to cause death or great bodily harm to the officer or another person. See Wis. Stat. § 175.44(2)(c).
 - b. As the final alternative to effect an arrest or prevent the escape of a fleeing felon who the officer reasonably believes has committed a felony involving the actual or threatened use of deadly force and the officer has probable cause to believe the suspected felon poses an imminent threat of death or great bodily harm to the officer, or others, if not immediately apprehended.
 - c. As the last resort to euthanize a dangerous animal or an animal so seriously injured or ill that humanity dictates its removal from suffering, but only after careful consideration is given to the public's safety and whether other dispositions may be feasible.
 - d. The terms "as a last resort" and "as the final alternative" in paragraphs a-d above, mean all lesser means of force have proven ineffective, or would clearly be ineffective under the circumstances, to accomplish these lawful objectives.
2. Before using a firearm, police officers shall identify themselves and warn the subject of the officer's intent to shoot, if possible.
 3. Deadly force shall not be used under the following circumstances:
 - a. As a warning. Warning shots are prohibited.
 - b. At or from a moving vehicle unless as the last resort in the defense of self or another person who the officer reasonably believes is in imminent danger of death or great bodily harm and whom the officer believes is entitled to self-defense.
 - (1) Officers should not place themselves in front of a vehicle to prevent escape and should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.
 - (2) An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

- (3) Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle. Shots fired at or from a moving vehicle are rarely effective.
 - c. When the target of the deadly force is not clearly visible. For example, firing into a building or through a door is not permitted unless officers are being fired upon from within and no alternate means of cover is available.
 - d. When the officer is in doubt as to whether or not he or she has the legal or moral justification to use deadly force.
 4. The investigation of the intentional use of deadly force and other officer involved deaths or critical incidents will be dictated by the Officer Involved Critical Incident policy.

E. Protective Alternatives:

These protective alternative intervention options are designed to protect officers in situations when they face continued resistance or a threatened assault. The overall purpose is to overcome such continued resistance, assaultive behavior or their threats.

1. Baton
 - a. Only officers who have been trained in the use of batons by a certified DAAT instructor may deploy batons in their official duties.
 - b. The use of authorized batons is permitted to impede a subject, preventing him or her from continuing active resistance or assaultive, or otherwise dangerous, behavior.
 - c. Authorized batons are described as follows:
 - (1) Straight wood baton (26" in length).
 - (2) Expandable steel baton (Max 26" in length).
 - d. An authorized baton may be withdrawn from its holder and held in the approved ready position if the officer is threatened or confronted with potential bodily harm.
 - e. The authorized target areas for baton strikes are as follows:

- (1) Lower abdominal area (baton jab)
- (2) Knee area (angle strike and angle-cross strike)
- (3) Elbow area (angle strike and angle-cross strike)

It is acknowledged that dynamic applications of these techniques could be necessary during an encounter with a violent subject.

- f. The intentional use of a baton to strike the head of a subject carries with it a significant likelihood of causing serious injury or death. Therefore, an intentional strike to a subject's head shall be prohibited, unless the use of deadly force is justified.

2. Impact Munitions

- a. Only officers who have been trained in the deployment of impact munitions may use such munitions in their official duties. The less than lethal shotgun will be stored unloaded in the easily identified orange shotgun case and is personally loaded with less lethal munitions by the officer that is deploying the weapon on scene.
- b. The use of impact munitions is permissible under the following conditions when the officer using impact munitions has a cover officer with lethal force present:
 - (1) As an alternative to deadly force against a person when an officer reasonably believes that he/she or another person is in imminent danger of death or great bodily harm.
 - (2) Officers should consider all safety concerns when deciding to use specialty impact munitions against a subject who is threatening the use of deadly force.
 - (3) Against an actively resistive or assaultive person where the officer reasonably believes lesser force would be ineffective or would unreasonably subject the officer to bodily harm.
 - (4) Against a suicidal person whom the officer reasonably believes poses a threat of causing death or great bodily harm to him/herself.
- c. The authorized impact munitions used by the Department is the 12-gauge drag stabilized beanbag round. Use of other less lethal 12-

gauge impact munitions shall be limited to only those officers with specific training in their use.

- d. Dispatch shall be notified via radio that impact munitions are being deployed. Dispatch will acknowledge by repeating the transmission to include the location in which the deployment will be made.
- e. Officers intending to fire impact munitions should verbalize their intent to other officers at the scene by using statements such as, “firing beanbag shotgun.”
- f. Impact munitions may be utilized for deadly force when circumstances would otherwise permit the use of deadly force.
- g. Officers shall exercise sound judgment when using impact munitions, considering the potential for causing great bodily harm or death.
- h. Firearms or other devices used to deploy impact munitions shall be well marked so that they can easily be distinguished from other firearms loaded with lethal ammunition.
- i. Subjects who are struck by an impact projectile shall be transported by ambulance to a medical facility for examination.
- j. Officers shall photograph any injury on a subject’s body caused from being struck by an impact munition.
- k. Officers shall collect the impact projectile and empty shell casing as evidence.
 - (1) If the impact projectile has been biohazard contaminated, officers shall wear protective gloves.
 - (2) The projectile shall be placed in a suitable evidence container before being placed in a red biohazard bag and entered into evidence.
- l. When impact munitions are used on a person, the officer will notify a supervisor or Chief of Police.

F. Active Countermeasures:

The purpose of active countermeasures is to create a temporary dysfunction of an actively resistive or assaultive subject. The goal is to interrupt the subject’s ability to resist, enabling the officer to direct the subject to the ground for stabilization.

1. Incapacitating Techniques (Diffused Strike):

- a. The diffused strike may be used by an officer when a subject engages in violent behavior which poses an articulable threat of harm to the officer or another person. The situation should be such that immediate and temporary cessation of violent behavior is reasonably necessary.
- b. Because the diffused strike is delivered to the side of the subject's neck (the origin of the brachial plexus of nerves), the officer shall attempt to stabilize the head to prevent striking other vulnerable parts of the neck. It is recognized that a dynamic application of this technique could be necessary during an encounter with a violent subject.

2. Focused Strikes and Vertical Stuns:

- a. Focused strikes or vertical stuns may be used by an officer to create a temporary dysfunction in an actively resistive or assaultive subject. Once the subject's resistance has been controlled, the use of focused strikes and vertical stuns will cease.
- b. Focused strikes and vertical stuns may also be used to assist an officer in disengaging and gaining distance from a violent or assaultive subject.

G. Control Alternatives:

These interventions are designed to control subjects who are resisting or threatening to resist an officer's lawful orders. The techniques are specifically geared toward overcoming both passive and active resistance.

1. Passive Countermeasures (Decentralizations):

- a. Decentralizations may be used by an officer when the situation reasonably requires that a subject be controlled on the ground.
- b. During the use of any decentralization, officers shall attempt to protect the subject's head/neck and attempt to control the speed of the subject's descent as much as reasonably possible under the circumstances. It is recognized that a dynamic application of these techniques could be necessary during an encounter with a violent subject.

2. Pressure Points (Mandibular Angle and Hypoglossal):

- a. Pressure points may be used by an officer to overcome passive resistance when attempts at dialog have failed to gain the subject's compliance and an overriding safety concern reasonably necessitates the subject's immediate removal from a scene.
 - b. Pressure points may also be used by an officer to overcome active resistance or assaultive behavior and to assist in stabilization and handcuffing.
 - c. Officers will use only touch pressure, using the tips of the thumb or fingers to apply pressure points. The use of any object or weapon to apply pressure points is specifically prohibited.
3. Compliance Holds (Come Along):
- a. Compliance holds may be used by an officer to overcome passive resistance when attempts at dialog have failed to gain the subject's compliance and an overriding safety concern reasonably necessitates the subject's immediate removal from a scene.
 - b. Compliance holds may also be used by an officer to overcome active resistance or assaultive behavior and to assist in stabilization and handcuffing.
 - c. Once compliance is achieved, officers will decrease the pressure on the subject's wrist to a level where control can be maintained.
4. Conducted Energy Weapon (CEW or Taser)
- a. Only officers trained in the use of CEWs may deploy such weapons in their official duties.
 - b. CEWs may be used to overcome active resistance or its threat. Active resistance involves a subject who is physically counteracting an officer's control efforts under circumstances in which the behavior itself, the environment in which the behavior occurs, or officer/subject factors create a risk of bodily harm.
 - c. CEWs may also be used when the subject poses a threat of harm to themselves such as self-inflicted injury or suicide attempt.
 - d. Officers may also include in the decision to use CEWs 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.

- e. Passive resistance without posing an articulable threat of harm to others does not permit the use of CEWs.
- f. The following factors, when reasonably perceived by the officer at the time of the incident, require elevated justification for deployment. Under the following conditions the risk of direct or secondary injury to the subject is elevated, thus the justification for ECD deployment is also elevated. The officer must balance the elevated risk of injury with the need for immediate apprehension. Factors warranting an elevated deployment justification include:
 - (1) Presence of flammable materials
 - (2) Subject located in an elevated position
 - (3) Subject operating a vehicle
 - (4) Subject running
 - (5) Subject obviously, or known to be, pregnant
 - (6) Subject in water sufficient to drown
 - (7) Subject obviously frail or infirm
- g. The most effective method of using a CEW is to deploy probes into the subject's body (distance deployment) with the propellant cartridge. This method is intended to result in temporary incapacitation of the subject through an effect known as neuromuscular incapacitation (NMI).
- h. The target areas for probe deployment from an air cartridge include:
 - (1) Preferred target zone for the back:
 - (a) Anywhere below the neck, avoiding the head and neck region.
 - (b) The back is the most preferred target area as it contains larger muscle groups and reduces the risk of hitting sensitive body areas.
 - (2) Preferred target zone for the front:

- (a) Lower torso and legs.
 - (b) One probe above and one probe below the beltline causes more NMI.
- (3) Officers shall not intentionally target the head, eyes, throat, chest or genitals.
- i. The secondary method of using a CEW is to touch the electrical contact points of the weapon itself to the subject's body. This is called either a contact deployment or a drive stun.
 - (1) The contact deployment method is based on pain compliance, not NMI, and may be less effective at establishing control of violent subjects with focused resistance.
 - (2) The target areas for contact deployment are the same target areas described above for probe deployment.
 - (3) When using a contact deployment, officers should target large muscle areas in the preferred target zones.
 - (4) Unless exigent circumstances exist, intentional contact deployments to the head, neck, upper chest or genitals are prohibited due to the increased potential of injury to the subject.
- j. Department personnel who deploy CEWs against a subject shall ensure the subject is monitored for injury as soon as practical after the subject is under control.
- k. Whether the CEW is used via probe or contact deployment, officers should only provide a five second cycle, unless the subject's combative or assaultive behavior continues.
 - (1) If an officer deploys more than one five second cycle, each additional cycle needs to be justified by the officer.
 - (2) If the officer holds the trigger down to apply a continuous cycle longer than five seconds, the officer shall release the trigger as soon as compliance is achieved.
 - (3) Officers shall not exceed 15 continuous seconds of exposure on a subject to prevent significant injury.

- l. If the subject is injured by the use of a CEW, officers on the scene will immediately provide first aid and emergency medical assistance, if necessary, for the injured person as soon as the subject and the scene are secure.
 - m. If the probes are embedded in sensitive areas such as the head, neck, face, breasts of a female, genital areas or small joints such as the fingers, officers shall arrange transport to a medical facility for removal. If the probes are embedded in other non-sensitive tissue areas such as the back, legs, arms, lower abdomen, etc., an officer may remove them according to trained procedures.
 - n. After the probes have been removed, officers shall inspect the shaft and barbed point to ensure both sections have been completely removed from the subject. If any portion of the probe remains under the subject's skin, then officers shall arrange transport to a medical facility for removal. All probes shall be handled as a bio-hazard and packaged according to the Bloodborne Pathogens policy.
 - o. When a CEW is used against a person or animal, the officer shall contact a supervisor to document the serial number of the CEW used so that deployment information may be downloaded.
 - p. The Deputy Chief is responsible for maintaining the software designed to interface with the dataport download hardware.
 - q. The Deputy Chief is responsible for downloading and printing the incident data from the CEW in question. The data port download report shall then be attached to the offense report.
- 5. Taser Carry
 - a. All Tasers that are carried by an officer shall be opposite side (reaction side) of their semi-auto pistol.
 - b. All officers in assigned to a uniformed assignment are required to carry an authorized department- issued Taser when available. Officers in non-uniformed assignments may carry a Taser at their discretion. A supervisor may authorize an officer not to carry a Taser while in uniform.
 - c. All officers shall perform the following function checks prior to the carry of a Taser (source: Taser International Training Bulletin 11.0-04):

- (1) Point the CEW in a safe direction.
- (2) Shift the safety switch to the down (safe) position.
- (3) Remove the TASER cartridge. A function test should never be conducted with a TASER cartridge in the CEW.
- (4) Ensure that your fingers and no other part of your body are in front of the X26P CEW.
- (5) Shift the safety switch to the up (armed) position.
- (6) Pull the trigger and allow the CEW to perform a full five second cycle.
- (7) Visually confirm sparking across the electrodes. WARNING: view the arc from top or side of the CEW. Do not point CEW at your face or have it near your face.
- (8) Look at the CID display and verify the following:
 - (a) No fault icons display on the CID
 - (b) The battery icon displays a 20 percent or greater capacity.
 - (c) If any of the above verifications fail, return the unit to armory, tag out of service and notify the Deputy Chief.
- (9) Shift the safety switch to the down (safe) position.

6. Taser Storage

- a. All Tasers will be stored in the armory.
- b. Officers are required to return Tasers to the designated location prior to ending their shift.
- c. Officers who fail to return a Taser at the end of their shift may be subject to disciplinary action.
- d. Tasers are to be stored in the "Off" position.

7. Use of Oleoresin Capsicum (OC) Spray
 - a. Officers of the Milton Police Department who have been trained in the use of OC spray by a certified instructor will carry authorized department-issued OC spray. All issued OC spray will be composed of non-toxic and non-flammable ingredients.
 - b. The use of OC spray is permitted by officers when a subject is threatening to actively resist or is actively resisting an officer and the subject poses an articulable threat of bodily harm to an officer or another person. Mere passive resistance does not warrant the use of OC.
 - c. Generally, OC should not be sprayed directly at the eyes of a person from a distance of less than 3 feet because of increased risk of eye injury from the pressure of the spray.
 - d. When OC spray is used against a person or animal, the user shall document the lot number of the O.C. container so that a lab analysis report may be obtained from the manufacturer if necessary.
 - e. Officers shall exercise sound judgment when using OC spray and shall consider the potential for cross-contamination to the user, other officers, and bystanders.
 - f. OC spray shall not be used by officers (unless unavoidable) if it appears children less than two years of age are in close proximity to the area that would be contaminated.
 - g. Department personnel who use OC spray against a person shall ensure that the person is decontaminated as soon as practical after the person has been subdued. Officers shall:
 - (1) Expose the person to fresh air and flush exposed areas with large amounts of cold water as soon as practical.
 - (2) Strongly recommend the person remove their contact lenses. Inform the person that clothing should be washed thoroughly and soft contact lenses may have to be discarded.
 - h. Do not apply salves, creams, or lotions and inform the subject that additional relief may be gained by washing affected areas with soap and water.
 - i. Monitor the subject for one-half hour after application and, if

incarcerated, notify confinement personnel of the use of OC spray. If an adverse reaction occurs, or if requested by the subject, emergency medical personnel shall be contacted.

- j. As far as practical, ventilate any enclosed areas where OC spray was used or advise occupant/s to do same.
- k. If circumstances permit, and it can be done without endangering departmental personnel, reasonable efforts to decontaminate animals should be made or the information conveyed to the animal's owner.

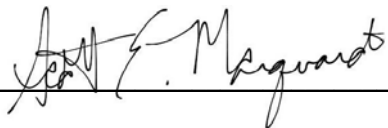
H. Training:

- 1. Firearms and Defensive and Arrest Tactics training shall be conducted at least annually.
- 2. The Firearms Training Coordinator or DAAT Instructor shall conduct training for all sworn personnel at least annually on the Use of Force policy and related legal updates.
- 3. Less Lethal Weapons Training
 - a. Less lethal weapons include less lethal shotguns, Taser, OC spray and baton.
 - b. Training for less lethal weapons shall occur at least every two years for each weapon listed above.

VI. For Department Use Only

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

BY ORDER OF THE CHIEF OF POLICE



ANNEX A

Milton Police Department Use of Defensive Tactics Report

The following report will be completed for all uses of force beyond presence and dialog.

**City of Milton Police Department
Use of Defensive Tactics Report**

Incident Number:

Officer Name:

Injured Y/N

Killed: Y/N

Force Used (Check all that apply):

- Escort Hold
- Compliance Hold
- Hands/Fists
- Kicks/Feet
- Chemical/Natural Agent
 - Unholstered with warning
 - Deployed
- CEW (Taser)
 - Unholstered with warning
 - Deployed
- Canine
- Baton or other object
 - Unholstered with warning
 - Deployed
- Firearm
 - Unholstered and pointed at subject
 - Warning before shooting
 - Discharged
 - Intentional
 - Accidental
 - Number of shots fired:
 - Number of shots striking subject:
- Other (Specify)

Subject Name:

Injured Y/N

Killed: Y/N

Arrested: Y/N

Subject Factors (Check all that apply):

- Under the Influence
- Other unusual condition (Specify)
- Uncooperative
- Resisted police officer
- Physical threat/attack on officer or another
- Threatened/attacked officer or another with knife/cutting object
- Threatened/attacked officer or another with motor vehicle
- Threatened/attacked officer or another with firearm
- Fired at officer or another
- Other (Specify)

Signature of Officer: _____ Date: _____

Reviewed by: _____ Date: _____

ANNEX B
Disturbance Resolution

(First approved by the Law Enforcement Standards Board on March 2002 and revised June 7, 2017.)

The following page contains the Disturbance Resolution model, which includes Approach Considerations, Intervention Options, and Follow-Through Considerations.

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

<u>Mode</u>	<u>Tactic</u>	<u>Purpose</u>
A. Presence	Professional Presence	To present a visible display of authority
B. Dialog	Professional Communication	To verbally persuade
C. Control	Escort Holds	To safely initiate physical contact alternatives
	Compliance Holds	To overcome passive resistance
	Control Devices (O.C. Spray or CEW)	To overcome active resistance or its threat.
	Passive Countermeasures	To decentralize
D. Protective Alternatives	Active Countermeasures	To create temporary dysfunction
	Incapacitating techniques	To cause the immediate, temporary cessation of violent behavior
	Intermediate Weapon (batons, impact munitions)	To impede a subject
F. Deadly Force	Firearm	To stop the threat

3) FOLLOW-THROUGH CONSIDERATIONS

- | | |
|----------------------|---------------------------------|
| A. Stabilize | Application of restraints |
| B. Monitor/Debrief | |
| C. Search | If appropriate |
| D. Escort | If necessary |
| E. Transport | If necessary |
| F. Turn-over/Release | Remove restraints, if necessary |