



## POLICY & PROCEDURE

### UNIVERSITY OF WISCONSIN STEVENS POINT POLICE AND SECURITY SERVICES

<b>SUBJECT:</b>	<b>USE OF FORCE</b>		
<b>CHAPTER:</b>	2	<b>NUMBER:</b>	206.00
<b>SCOPE:</b>	All Department Personnel	<b>EFFECTIVE:</b>	2/21/2018
<b>DISTRIBUTION:</b>	Policy Manual		
<b>APPROVED BY:</b>	CHIEF BABL	<b>REVISED:</b>	04-14-2021
<b>REFERENCE:</b>	66.0511(2)		

#### 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 University of Wisconsin–Stevens Point Police and Security Department recognizes and respects the value of each human life. When vesting police officers and security 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 and security officers will use that force which is reasonable and necessary to effectively stop a threat or bring an incident under control. Documentation of all training and testing will be documented in the employee's file. Personnel will have access to policy and will be tested on policy at least annually.

#### III. DEFINITIONS

- A. **DEADLY FORCE:** The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.
- B. **JUSTIFICATION FOR DEADLY FORCE:** Any behavior which has caused or imminently threatens to cause death or great bodily harm to you or another person or persons.
- C. **NON-DEADLY FORCE:** An amount of force that, under normal circumstances, would not be expected to result in great bodily harm or death.
- D. **ACTIVE RESISTANCE:** Behavior which physically counteracts an officer's control efforts and creates a risk of bodily harm to the officer, subject, or other persons.

- E. ASSAULTIVE BEHAVIOR: Direct action or conduct that generates bodily harm.
- F. BODILY HARM: Physical pain or injury, illness, or any impairment of physical condition, but less severe than great bodily harm.
- 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: 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. 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 any other serious bodily injury.
- K. 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.
- L. OBJECTIVE REASONABLENESS STANDARD: The standard established by the U.S. Supreme Court in *Graham v. Connor* that reasonableness should be judged under the totality of the circumstances from the perspective of a reasonable officer at the scene with similar training and experience.
- M. PASSIVE RESISTANCE: Non-compliant and non-threatening resistance to lawful orders.
- N. 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.
- O. 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.
- P. VASCULAR NECK RESTRAINT– A hold technique that can be used to incapacitate individuals by restricting the flow of blood to their brain.
- Q. CHOKE HOLD – A physical maneuver that restricts an individual’s ability to breathe for

the purposes of incapacitation.

#### IV. PROCEDURE

##### **206.01 FORCE TO ACHIEVE LAWFUL OBJECTIVES**

- A. Department personnel will use reasonable force when force is used to accomplish lawful objectives. The following procedures shall generally govern the use of force by sworn Department officers.
- B. The use of force by police employees may be necessary in order to enforce the law or in order to protect themselves or others. Police officers will assess each incident in order to determine which technique or weapon will bring the incident under control.
- C. Police are authorized to use Department-approved force techniques and Department-issued or authorized equipment for resolution of incidents in the following situations:
  - 1. To protect themselves or another from physical harm.
  - 2. To restrain or subdue a resisting person.
  - 3. To bring a situation safely and effectively under control.
  - 4. To affect a lawful arrest.

##### **206.02 OBJECTIVE REASONABLENESS STANDARD**

- A. The United States Supreme Court in *Graham v. Connor* ruled that the use of force by police officers must be “objectively reasonable” and that reasonableness should be judged under the totality of the circumstances from the perspective of a reasonable officer at the scene with similar training and experience. Officers should consider the following factors when considering what level of force, if any, to use:
  - 1. The severity of the alleged crime at issue
  - 2. Whether the suspect poses an imminent threat to the safety of officers and/or others
  - 3. Whether the suspect is actively resisting or attempting to evade arrest by flight.

Varying degrees of force may be justified depending on the dynamics of a situation. Police officers must keep this in mind and are permitted to use only the force necessary to accomplish lawful objectives. In every instance where force is to be used, the police employee contemplating the use of force must have; a belief that the use of force in that situation is required AND a belief that the amount of force contemplated is required; AND both beliefs must be reasonable.

##### **206.03 INTERVENTION OPTIONS**

The Department adopts as policy the Intervention Options for police officers as specified by the State of Wisconsin.

- A. Presence: *To present a visible display of authority*
  - 1. Open Stance
  - 2. Ready Stance
  - 3. Defensive Stance

B. Dialogue: *To verbally persuade*

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

C. Control Alternatives: *To overcome passive resistance, active resistance, or threats*

1. Escort Holds- To safely initiate physical contact
  - a. Blanket the Arm
  - b. Escort Position
2. Compliance Holds:
  - a. Come Along
  - b. Pressure Points
3. Control Devices
  - a. Chemical Control Devices- Oleoresin Capsicum (OC)
  - b. Electronic Control Devices- Conducted Energy Weapon (CEW)
4. Passive Countermeasures: To decentralize
  - a. Secure the Head
  - b. Hug Yourself
  - c. Lower Your Center
  - d. Pull in-Push Down

D. Protective Alternatives *-to overcome continued resistance, assaultive behavior, or their threats*

1. Active Countermeasures *To create dysfunction*
  - a. Vertical Stuns
  - b. Focused Strikes
2. Incapacitating Technique *To cause immediate temporary cessation of violent behavior*
  - a. Diffused Strike from the front
  - b. Diffused Strike from the rear
3. Intermediate Weapons:

E. Deadly Force - *To stop the threat*

**206.04 OLEORESIN CAPSICUM (OC)**

- A. The following procedures shall govern the use of Oleoresin Capsicum (OC) by sworn officers:

1. Oleoresin capsicum (OC) is an effective restraint that, when used in a manner that is consistent with training, might have the effect of reducing injuries. Oleoresin capsicum is authorized for use by members of this Department.
2. Officers must be trained in the use of OC by an oleoresin capsicum aerosol training instructor.
3. Officers trained in OC use are authorized to use OC to effect an arrest or control a situation. Oleoresin capsicum will be used in accordance with training and the Intervention Options.
4. Officers will take into consideration the location of others before using OC. An officer will not use OC on a person who is under physical control.
5. After OC has been used on a suspect and the suspect is under control, the officer will assess the welfare of the person. If symptoms from the application of OC persist beyond forty-five minutes, the person should be evaluated by medical personnel. Initial treatment for a person affected by aerosol chemical restraints will include the following: Verbally reassure the person. Advise the person to remain calm and to try to breathe normally;
  - a. Do not make the person lie face down for extended periods of time;
  - b. Watch the person closely until the effects have worn off.
    - i. If circumstances permit and the following can be safely achieved, the officer will: Remove the person to an area of fresh air and, if possible, face him or her into the wind;
    - ii. Allow the person to flush the affected area with cool water or soap and water;
    - iii. Allow a person wearing contact lenses to remove them;
    - iv. Advise the person to not rub the affected area.

#### **206.05 ELECTRONIC CONTROL DEVICES / CONDUCTED ENERGY WEAPONS (CEW)**

The following procedures shall govern the use of conducted energy weapons by sworn personnel:

1. Only officers trained in the proper use of CEWs are permitted to carry them. CEWs may not be carried off-duty. Department Trained personnel may deploy a CEW in a manner consistent with their training. Officers should receive periodic proficiency training.
2. The CEW will be placed on the belt on the opposite side of the officer's handgun or on the external body armor carrier when worn. Officers are responsible for ensuring their issued CEW is tested and maintained according to their training and the manufacturers recommendations. When practicable officers should carry two CEW cartridges (including the one in the CEWs magazine) on their person.
3. CEWs are not a substitute for deadly force -- an officer should not deploy an electronic control device in a deadly force situation unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with CEWs should

continuously monitor and evaluate the ability of other officers present to deliver deadly force.

4. A verbal warning of the possible use of the CEW should, when practicable, precede its application. The purpose of the warning is to provide the individual with a reasonable opportunity to comply and provide other officers and individuals with a warning that the CEW may be deployed.
5. CEW deployment must be evaluated using the criteria of this policy and the State of Wisconsin Intervention Options. Firing of CEW probes is considered non-deadly force. There should be no intentional deployment of CEW probes at the face, head, neck, chest, or groin. Deployment of multiple CEWs upon the same subject at the same time should be avoided whenever possible. While multiple activations of a CEW may be necessary to subdue an actively resisting subject, multiple activations with continuous cycling should be avoided whenever possible.
6. Drive stuns should only be administered in a manner consistent with training.
7. CEWs may be deployed on fleeing subjects if the immediate circumstances would justify the use of an impact weapon, including directly after a subject has caused injury to someone or actively resisted an officer.
8. CEWs should not be deployed on a subject who is fleeing for reasons unknown to the officer. Other CEW deployments to be avoided unless exigent circumstances are present:
  - a) On a handcuffed subject;
  - b) On a person operating a motor vehicle;
  - c) When features of the location (on stairs or in traffic) increase the risk of serious injury from falling;
  - d) If the subject is likely to become submerged in water;
  - e) On preteen children;
  - f) On persons who appear elderly, pregnant, significantly ill, or disabled.
9. The CEW is prohibited in the following circumstances:
  - a) On persons whose skin/clothes appear contaminated with combustible substances.
  - b) For coercion or intimidation.
  - c) To escort or prod subjects.
  - d) To awaken unconscious or intoxicated subjects.
  - e) Against a subject offering passive resistance.
10. CEWs can be effective against aggressive animals. Use against animals is permitted. The use of an CEW on an animal should be documented in an incident report.
11. After a field use, data from the CEW will be downloaded and saved as part of the case file to document the number of activations. Discharged CEWs should be removed from service and a spare CEW should be issued to the officer until theirs can be downloaded and checked for serviceability.

12. Probe removal – consistent with training, absent any complicating circumstances, officers should remove CEW probes from a person’s body as a biohazard and package as evidence. Officers should evaluate and seek qualified medical treatment for individuals that are exhibiting irrationally violent behavior, extreme drug related symptoms, may be pregnant, may need or request medical attention, or the probes are lodged in a sensitive area.
13. Maintenance – Department CEW’s should be downloaded and inspected at least annually or whenever an update is provided or the CEW is suspected of malfunctioning.

## **206.06 BATON**

1. The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted for baton strikes except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.
2. A Department issued baton should be carried by uniformed officers. Carrying a baton is optional for officers carrying a CEW.

## **206.07 LESS LETHAL IMPACT MUNITIONS BEAN BAG SHOTGUN**

The purpose of this directive is to provide guidelines for the use of the less lethal “bean bag” shotgun and impact munitions.

The UW Stevens Point Police Department has issued less lethal “bean bag” shotguns and impact munitions to select trained officers, to provide those officers with additional use-of-force options for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations. It is the policy of the department that personnel may use the less lethal bean bag shotgun when warranted, but only in accordance with the guidelines and procedures set forth in this directive and in the department’s use-of-force policy.

### **A. Authorization**

1. The police department will provide dedicated less lethal shotguns for the sole purpose of discharging less lethal impact munition projectiles. All less lethal shotguns will be distinctively marked with an orange stock and orange fore end.
2. Only the dedicated departmentally issued Remington 870 12-gauge shotgun and issued CTS 2581 Super Sock 2 ¾ inch 12-gauge shell are authorized for use.
3. Only officers who have been trained and demonstrated proficiency are authorized to use the less lethal “bean bag” shotgun and impact munitions. Initial training for impact munitions and the “bean bag” shotgun is provided by the police department. Proficiency must be demonstrated annually during a re-certification course and be monitored by a certified impact munitions instructor. Those officers failing to demonstrate proficiency will be given remedial training and

must successfully complete the recertification course to continue to carry the shotgun.

4. Officers who carry a less lethal “bean bag” shotgun are prohibited from carrying another shotgun or lethal shotgun ammunition.

#### B. Deployment

Police officers, who are properly trained, are authorized to use departmentally issued less-lethal “bean bag” shotguns as an alternative to resolve incidents in a less-lethal manner, to protect officers and other persons from harm, to protect a suspect/subject from self-inflicted injury, or to end incidents involving combative, armed/ believed to be armed, or violent suspects. Officers shall not interpret this policy to mean that a bean bag shotgun replaces the use of deadly force when deadly force is justified. These weapons may be deployed (consistent with training) in circumstances including, but not limited to, the following:

1. Suicidal subject (where a weapon is displayed)
2. Subject armed with a knife or other weapon (not firearm).
3. Subject violently resisting arrest, where the use of other defensive weapons or tactics would place officers at risk by being in contact range of the suspect.
4. Hostile or aggressive animals where the discharge of a firearm would be inappropriate.

Prior to the deployment of a less-lethal weapon, lethal cover must be provided for the less-lethal weapon Operator. All officers should remain cognizant of the “reactionary gap” should the need for deadly force arise.

#### C. Weapon Discharge

Prior to discharging a less-lethal shotgun for a law enforcement purpose, the operator will identify himself/herself and state their intention to shoot, when feasible. The operator will also announce his/her intent to discharge the weapon by stating “bean bag,” to warn other officers. Once the operator has stopped firing the weapon, the operator should announce that he/she has ceased firing, by stating “all clear.” This will allow other officers to effect an arrest, when practical.

### **206.08 USE OF DEADLY FORCE**

Police officers may use Deadly Force only in the following circumstances:

1. When the police officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of great bodily harm.
2. To protect the police officer or others from what is reasonably believed to be an imminent threat of death or great bodily harm.

3. To prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose an imminent threat to human life should escape occur.

## **206.09 FIREARMS USE**

The following procedures shall govern the use of firearms by sworn officers:

1. Police officers are authorized to display and use firearms in the following circumstances:
  - a. When deadly force is authorized;
  - b. When an officer reasonably believes s/he might encounter a deadly force situation;
  - c. During range practice or competitive shooting;
  - d. To destroy an animal that represents a threat to the public safety or as a humanitarian measure when the animal appears to be seriously injured.

Before using a firearm, police officers will, when feasible, identify themselves as Police.

2. Police officers will adhere to the following restrictions:
  - a. Except for maintenance or during training, police officers will not draw or exhibit their firearm unless circumstances create a reasonable belief that it might be necessary to use the firearm in conformance with this policy.
  - b. Warning shots are prohibited.
  - c. Police officers will not discharge a firearm from/at a moving vehicle unless no other reasonable option exists and a greater imminent danger to an innocent person (s) is posed by the officer not discharging a firearm.
  - d. Police officers may, at their option, carry a handgun while off duty. While off duty, police officers will carry only personally owned handguns that have been approved by the Chief of Police.
  - e. Officers should use extreme caution when taking prescription medication while armed.
  - f. Carrying or using a firearm while under the influence of alcohol is prohibited.

## **206.10 VASCULAR NECK RESTRAINT AND CHOKE HOLDS**

- A. VASCULAR NECK RESTRAINT – The Department has not adopted, nor has it trained, the vascular neck restraint technique for use by personnel and is

prohibited unless deadly force is justified by law.

- B. CHOKEHOLDS are prohibited for use by personnel unless deadly force is justified by law.

#### **206.11 USE OF HANDCUFFS**

The following procedures shall govern the use of handcuffs by sworn personnel:

1. Handcuffs will be used in a manner specified in training.
2. Handcuffs will be issued or individually authorized by the Department.
3. Types that are authorized are the following:
  - a) Metal hinged or linked police handcuffs;
  - b) Plastic disposable handcuffs/flex cuffs
4. An officer taking another person into custody has the duty and the responsibility to restrain the detained person in a safe manner and to take proper measures to prevent an escape.
5. An officer has the authority to handcuff persons in custody for the safety of the officer, other citizens, and the person taken into custody.
6. If an officer has reasonable grounds to believe that the use of handcuffs is undesirable, the use of handcuffs in instances of physical arrest is not mandatory.
7. The following are prohibited techniques:
  - a) "Hogtying," i.e., restraining a person by handcuffing and tying hands to feet close together behind the back;
  - b) Forcing a restrained person to remain handcuffed and lying face down for extended periods of time.

#### **206.12 MEDICAL AID AFTER USING FORCE**

Whenever a person is injured because of force applied by an officer, officers on the scene will immediately provide first aid and request medical assistance, if necessary, for the injured person as soon as circumstances allow for aid.

- A. Excited Delirium

Officers must be aware that there is a risk of sudden death in people with symptoms associated with excited delirium. Delirium is a true medical emergency. The behavioral characteristics suggestive of excited delirium are: inappropriate shedding of clothes, excessive strength, bizarre actions, incoherent shouting, combativeness, aggression, hyperactivity, extreme paranoia, hallucinations, shivering, and profuse sweating. Street drugs implicated in the development of excited delirium include cocaine, amphetamines, methamphetamine, PCP, and LSD.

When a combination of these characteristics is viewed by an officer, EMS should be called as early in the contact as possible. Though treatment decisions will not be made by police, officers should be aware of the following details; the individual should be transported for definitive medical evaluation. The person should be placed in a non-prone position as soon as possible. Hobble-type restraints should be avoided. The cessation of struggling should be viewed as ominous and prompt reevaluation should occur.

### **206.13 REQUIRED NOTIFICATIONS AND REPORTS UPON USE OF FORCE**

Whenever an officer is responsible for an accidental or intentional discharge of a firearm while on or off duty (other than during firearms training, hunting or participation in sporting or recreational events), or the accidental or intentional use of force by any means, resulting in death or injury, the following notifications and reports shall be made:

1. The officer shall render first aid or activate EMS as necessary.
2. The officer shall notify a supervisor as soon as possible.
3. The supervisor will immediately notify the Chief of Police.
4. Unless incapacitated or directed otherwise by a supervisor, the involved officer(s) shall complete an incident report detailing the incident prior to going off duty

### **206.14 REPORT ON USE OF FORCE**

An incident report shall be used to document all pertinent details, to include the following:

1. date, time and location of the incident;
2. arrestee, witness and suspect information;
3. actual resistance encountered;
4. force used by the officer to overcome the resistance;
5. weapons used;
6. actual or alleged injuries to either the officer or the suspect;
7. photographs, video recording, drawings or other documentary evidence of any injuries received.

### **206.15 REVIEWING THE USE OF FORCE**

Whenever a supervisor is notified of a use of any force as outlined in this policy, he or she shall conduct a preliminary review of the incident. The supervisor is responsible for ensuring each officer involved in the use of force, completes a detailed incident report.

The supervisor shall review each use of force incident to ensure the use of force complies with department policy and forward it to the Chief.

Any allegation of inappropriate use of force shall be investigated in accord with the Citizen Complaint policy.

All press releases involving incidents in which an employee uses force involving a firearm or uses force that results in death or great bodily harm of another person, must be approved by the Chief of Police or designee.

## **206.16 USE OF FORCE BY NON-SWORN PERSONNEL**

The following procedures shall govern the use of force by non-sworn security officers:

1. Under most circumstances a security officer does not have the authority to use force in the performance of duties.
2. When possible, assistance should be summoned before an attempt is made to control a subject.

Exceptions include the following:

- a) when exposed to attack or exposed to the threat of great bodily harm;
  - b) when protecting themselves or others against immediate threat of bodily harm
  - c) when responding to the lawful order of a sworn police officer.
3. Security officers are authorized and may carry Department issued OC. The use of OC by security officers is limited to preventing injury to self and others in situations when other means of avoiding physical confrontation have been exhausted or are deemed to be ineffective.

## **206.17 DUTY TO INTERVENE**

Upon witnessing force used by another officer (regardless of rank) and recognizing the force to be clearly beyond what is objectively reasonable under the circumstances, a police officer acting in a law enforcement capacity, must promptly intervene to prevent or attempt to stop use of excessive force. 'Unreasonable force' is any force applied in a manner inconsistent with this policy or applicable law.

When in a position to do so, Officers must intervene to prevent and/ or attempt to stop such unreasonable use of force.

1. The level of intervention should be that level necessary to stop use of unreasonable force and may involve verbal and/or physical intervention.
2. Whenever possible, take a preventive approach to observe escalating behavior that suggests that another officer is about to conduct inappropriate behavior.

3. Officers shall render first aid or activate EMS as necessary.

Failure to intervene may subject an Officer to disciplinary action up to termination and potential criminal prosecution for the same acts as the offending officer.

Any officer who observes another employee use force that exceeds the degree of force permitted by this policy or law should promptly report these observations to a supervisor. Circumstances preventing or impeding effective intervention shall be promptly reported and documented.