



POLICY & PROCEDURE

ST. FRANCIS POLICE DEPARTMENT

SUBJECT: USE OF FORCE

SCOPE: All Sworn Personnel

DISTRIBUTION: Policy & Procedure Manual

REFERENCE: Defensive & Arrest Tactics: A Training Guide For Law Enforcement; Wisconsin Department of Justice Law Enforcement Standards Board (Updated June 2017)

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INDEX AS:

Control Devices; Deadly Force; Firearms; Less Lethal; Non-Deadly Force; Police Vehicles

PURPOSE:

The purpose of this Policy & Procedure is to establish a policy for the use of force by sworn personnel to effect an arrest or control a person. Proper use of force decisions, based on reasonableness, ensure due process for citizens as well as provide protection for the officer and the department.

This Policy & Procedure consists of the following sections:

- I. POLICY
- II. DEFINITIONS
- III. SPECIFIC PROCEDURE AND GENERAL GUIDELINES
- IV. DEFENSE AND ARREST TACTICS
- V. THE USE OF FORCE
- VI. INTERVENTION OPTIONS
- VII. FOLLOW THROUGH CONSIDERATIONS
- VIII. TRAINING

POLICY

- A. The St. Francis Police Department recognizes and respects the value and special integrity of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Therefore, it is the policy of this law enforcement agency that officers use only the force that reasonably appears necessary to effectively bring an incident under control, while protecting the lives of the officer and others. It must be stressed that the use of force is not left to the unfettered discretion of the involved officer. This is not a subjective determination. The use of force must be objectively reasonable. The officer must only use that force which a reasonably prudent officer would use under the same or similar circumstances. Deadly force shall never be resorted to until every other reasonable means of apprehension or defense has been exhausted or there is no other reasonable recourse.
- B. This policy and procedure is based on the Defense and Arrest Tactics (DAAT) program of the State of Wisconsin, as developed by the Department of Justice Law Enforcement Standards Board.

DEFINITIONS

- ACTIVE COUNTERMEASURES: Techniques that include stunning a subject against a vertical surface, and hand, elbow and leg strikes. The purpose of active countermeasures is to create a temporary dysfunction of an activity or assaultive subject.
- ACTIVE RESISTANCE: Behavior that physically counteracts an officer's control efforts and creates a risk of bodily harm to the officer or another person.
- ASSAULTIVE BEHAVIOR: Conduct that creates an imminent risk of bodily harm to an officer or another person.
- BODILY HARM: Physical pain or injury, or impairment of physical condition, but less severe than great bodily harm.
- CONDUCTED ELECTRICAL WEAPON (CEW): A non-lethal conducted electrical weapon is designed to affect portions of the peripheral nervous system, which may cause temporary motor skill dysfunction to a combative or potentially combative subject. The use of this device is intended to incapacitate.
- CONTROL: Established when a subject is voluntarily complying with the legal directions of an officer, or restrained so that they are forced to comply with the officer's legal direction.
- DEADLY FORCE: The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.
- DE-ESCALATION: Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, or/and resources can be called upon to resolve the situation without the use of force or without the reduction of force necessary.

- DEFENSIVE AND ARREST TACTICS (DAAT): A system of verbalization skills coupled with physical alternatives. It is a specific system formulated, approved, and governed by the State of Wisconsin Training and Standards Board.
- 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.
- IMMINENT THREAT: An impending likelihood of trouble; in this context, “Imminent Threat” of death or great bodily harm to you or another is a justification for the use of deadly force.
- IMPACT WEAPON: A police baton or other object justified by the circumstances, the use of which is to overcome continued resistance, assaultive behavior, or the threat of like violence. The weapon’s force is manifested by blunt force caused by striking.
- INCAPACITATING TECHNIQUE: A diffused strike to the side of the neck which is intended to cause the immediate, temporary cessation of violent or assaultive behavior.
- INTERVENTION OPTIONS: Trained techniques recognized in the DAAT System. These techniques may include additional techniques trained and authorized by the St Francis Police Department, and untrained techniques justified by the circumstances.
- JUSTIFICATION FOR DEADLY FORCE: Any subject behavior which has caused or imminently threatens to cause death or great bodily harm to you or another person or persons.
- NECK RESTRAINT: an action taken by the use of any force or device to the neck area to restrain a person, including but not limited to:
 - Choke Hold: A physical maneuver that restricts an individual’s ability to breathe for the purposes of incapacitation.
 - Vascular Neck Restraint: A technique that can be used to incapacitate individuals by restricting the flow of blood to their brain.
- NON-DEADLY FORCE: An amount of force that, under normal circumstances, would not be expected to result in great bodily harm or death.
- OBJECTIVE REASONABLENESS STANDARD: The standard established by the U.S. Supreme Court in *Graham v. Connor*, and its progeny, which says 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. The three elements of the standard are:
 1. The severity of the alleged crime at issue.
 2. Whether the person is actively resisting seizure or attempting to evade seizure by flight.
 3. Whether the person poses an imminent threat to the safety of officers and/or others.
- OFFICER/SUBJECT FACTORS: Some of the criterion used in evaluating a subject and selecting the appropriate response option. How officer(s) “match up” to the subject,

how many officers are there compared to the number of subjects, as well as age, size, relative strength, and skill.

- PASSIVE COUNTERMEASURES: Techniques that use physical force to direct a subject to the ground. These techniques are designed to overcome active resistance or the threat of active resistance.
- PASSIVE RESISTANCE: Non-compliant and non-threatening behavior. Refusal to comply with a directive or command from an officer, but without behaviors likely to cause bodily harm to an officer or another.
- PEPPERBALL LAUNCHER: A non-lethal chemical agent delivery system that uses compressed air to deliver powder projectiles at a safe distance. The delivery system is capable of combining chemical agent exposure with kinetic impact and pain.
- REASONABLE BELIEF: A conclusion reached by an ordinary, prudent, and reasonably intelligent police officer that a certain fact situation exists under the totality of the circumstances perceived by the officer at the time the officer acted.
- REASONABLE FORCE: The amount of force utilized by an officer in the performance of duty, and used to accomplish a legitimate law enforcement goal, and is objectively reasonable under the totality of circumstances as perceived by the officer at the time the officer acted.
- RESISTIVE TENSION: Level of agitation in a subject's body.

SPECIFIC PROCEDURE AND GENERAL GUIDELINES

- A. Officers shall use only the amount of force that is objectively reasonable to perform his/her duties. The amount of force which may be employed is determined by the circumstances of the situation, including, but not limited to:
 1. The nature of the incident/offense.
 2. The behavior of the subject whom force is to be used, and actions by third parties who may be present.
 3. Physical conditions
 4. The feasibility or availability of alternative actions.
- B. 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.
- C. Once control has been established, the officer shall be responsible for monitoring the subject's condition and welfare. Unless circumstances dictate otherwise, all persons arrested will be handcuffed, searched and then transported in a police vehicle.
- D. Use of an excessive amount of force will not be tolerated and may subject the officer to disciplinary action, criminal and civil liability.
- E. Officers who witness another officer using force in excess of that permitted by law, training, and/or the Policy & Procedure must intervene and stop the prohibited use of force. The officer shall also report such use of force to a supervisor immediately.
 1. If the offending officer is their supervisor then the reporting officer will report the incident to the next supervisor in the chain of command.
 2. Subsequent written notification to the Chief of Police shall be made prior to the end of shift and include the date, time, and place of the incident. It shall also

include the identity and description of the participants and a description of the events and the force used.

- F. The officer's decisions shall be based on the DAAT System's Disturbance Resolution model, which include: Approach Considerations, Intervention Options and Follow-Through Considerations.

DEFENSE AND ARREST TACTICS (DAAT)

- A. The St. Francis Police Department adopts the Wisconsin Department of Justice's Defensive and Arrest Tactics (DAAT) model as our guide to the use of force by our personnel. DAAT is defined as a system of verbalization skills coupled with physical alternatives. This model includes the Disturbance Resolution Model which provide general guidelines that define the degree and type of force to be used in controlling suspects. All St. Francis Police Officers shall be trained in the DAAT system per State Training and Standard Bureau standards.
- B. It is sometimes necessary during the lawful dispersal of our duties as police officers to exert control over citizens by giving them orders, directing their movement, or even taking them into custody. It is always our goal to get citizens to comply voluntarily with our directives. Sometimes compliance to lawful directives does not occur voluntarily, and physical force becomes necessary to achieve compliance.
- C. De-Escalation: The concept of de-escalation 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. The merging of Professional Communication Skills such as Crisis Intervention, and sound tactical positioning can be instrumental in generating the needed time, options, and resources to gain willful cooperation and ensure everyone's safety.
 - a. **DONE**- Danger, Overriding Concern, No Progress, and Escape- There are many circumstances in which de-escalation is not applicable to a situation and the Professional Communication Skill concept of DONE offers examples and guidance. The acronym DONE stands for Danger, Overriding Concern, No Progress, and Escape.
 - i. **Danger**- Something has occurred that negatively effects the commodities of time, distance, and positioning making de-escalation not possible. Ex- When officers are making contact with the subject who is armed with a knife, he suddenly charge the officers forcing them to escalate.
 - ii. **Overriding Concern**- An event occurred that has changed the priority and has drastically influenced the outcome of this situation and placed officers in a position to use force. Ex- Officers are talking to a subject armed with a knife and an innocent bystander has walked into the situation and the subject's closes the distance with them.
 - iii. **No Progress**- Officer's attempts to gain rapport with the subject and it isn't working. Ex- Officers are talking to a suspect who ignores their dialog and closes the distance on them.
 - iv. **Escape**- The officers' relative positioning and limited distance does not allow them the ability to regain safe distance and positioning (escape) to continue de-escalation efforts. Ex-The subject moves towards the officers and puts them into a position where they can't escape.

D. Incident Response Model: All officers shall follow the most current version of the Incident Response Model adopted by the State of Wisconsin DAAT Advisory Committee 06-07-2017.

INCIDENT RESPONSE - RESPOND MODEL

R Report

- Become aware
- Plan response
- Arrive/Assess
- Alarm/Inform

E Evaluate

- Look for Dangers
- Determine backup needs
- Enter when appropriate/tactically sound

S Stabilize

- Subject(s)
- Scene

P Preserve

- Life
 - Conduct an initial medical assessment (as trained)
 - Treat to level of training
 - Continue to monitor the subject(s)
- Evidence

O Organize

- Coordinate additional responding units (if necessary)
- Communicate with dispatch and others
- Organize the collection of evidence (if appropriate)

N Normalize

- Provide long-term monitoring (as appropriate)
- Restore scene to normal
- Return radio communications to normal

D Document/Debrief

- Debrief self, other responding personnel, subject(s), other persons
- Document incident appropriately

- E. Disturbance Resolution Model: All officers shall follow the most current version of the Disturbance Resolution Model adopted by the State of Wisconsin DAAT Advisory Committee 06-07-2017.

DISTURBANCE RESOLUTION

APPROACH CONSIDERATIONS

Decision-Making

- Justification
- Desirability

Tactical Deployment

- Control of Distance
- Relative Positioning
- Relative Positioning with Multiple Subjects
- Team Tactics

Tactical Evaluation

- Threat Assessment Opportunities
- Officer/Subject Factors
- Special Circumstances
- Level/Stage/Degree of Stabilization

INTERVENTION OPTIONS

MODE

A. Presence

B. Dialog

C. Control Alternatives

D. Protective Alternatives

E. Deadly Force

PURPOSE

To present a visible display of authority

To verbally persuade

To overcome passive resistance, active resistance, or their threats

To overcome continued resistance, assaultive behavior, or their threats

To stop the threat

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

THE USE OF FORCE

- A. The purpose of a law enforcement officers use of force is to control. Law enforcement officers may use force legitimately when it is needed to achieve control in five specific situations:
 - 1. To achieve and maintain control of resistive subjects
 - 2. To detain persons reasonably suspected of criminal behavior
 - 3. To make lawful arrests
 - 4. To defend themselves or others
 - 5. To prevent escape
- B. All Wisconsin law enforcement officers are limited in their legitimate use of force by a hierarchy of laws and standards, which include the following:
 - 1. The U.S. Constitution
 - 2. Wisconsin Law
 - 3. Agency Policy
 - 4. Officer Training
- C. Wisconsin law permits law enforcement personnel to utilize force as articulated with the following State Statutes: 939.45, 939.46, 939.47, 939.48, and 939.49

INTERVENTION OPTIONS

- A. The DAAT system provides us with a response matrix called Intervention Options which offers a range of responses for officers to utilize if confronted with a need to control a person. Intervention Options describe and provide increasing levels of control, and the corresponding recommended techniques utilized as a guideline to achieve that control.
- B. Intervention Options are divided into five modes, each reflecting the need for an increasing level of control. An officer can move from one mode to another, or skip the sequential nature of the matrix as appropriate. Officers are authorized to use the amount and level of force necessary to control a subject. At any time, if a different level of force is appropriate, an officer may use it.
- C. Which mode you choose in a given situation depends on your tactical evaluation and threat assessment. The criterion (as articulated in *Graham v. Connor*) is whether the level and degree of force is objectively reasonable. Five fundamental principles apply:
 - 1. The purpose for use of force is to gain control in pursuit of a legitimate law enforcement objective. If verbalization is effective in gaining control, it is always preferable to physical force.
 - 2. You may initially use the level and degree of force that is reasonably necessary to achieve control. You need not escalate step-by-step through the Intervention Options. As the situation dictates, you may move from any mode to any other if you reasonably believe that a lower level of force would be ineffective.
 - 3. At any time, if the level of force you are using is not effective to gain control, you may disengage and/or escalate to a higher level of force.
 - 4. Once you have gained control of a subject, you must reduce the level of force to that needed to maintain control.
 - 5. You must always maintain a position of advantage.

D. The five Intervention Options modes provided in the DAAT system each serve a different purpose and include different tactics and techniques. They can be applied quickly and effectively to control subjects, and they are used in response to the subject's behavior.

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

1. **Presence:** The first mode, Presence, reflects the fact that sometimes all that is needed to control a situation is the presence of an officer. The purpose of this mode is to “present a visible display of authority.” Much as drivers are careful not to exceed the speed limit when they share the road with a marked squad, the simple presence of an officer in uniform or otherwise identified is enough to prevent people from starting or continuing to behave aggressively or otherwise create a disturbance.
2. **Dialogue:** The second mode, Dialogue, covers the range of tactical communication from very low-level questioning to very directive commands. The purpose of dialogue is to persuade subjects to comply with an officer's lawful directives. As you have learned in Professional Communication, your goal is to get subjects to comply voluntarily without the need to use physical force. The specific techniques used are covered extensively in Professional Communication Skills.
3. **Control Alternatives:** The third mode, Control Alternatives, includes a wide range of tactics and tools for controlling subjects. The common thread is that all these tactics and tools are used to control subjects who are resisting or threatening to resist your lawful orders. As always, the overall purpose is to achieve compliance from a non-compliant subject, but these techniques are specifically geared toward overcoming both passive and active resistance.
 - **Passive Resistance** refers to non-compliant, but non-threatening behavior. An example would be a person who refuses to get out of a car when ordered to do so. The person is not fighting with you – he or she is simply not

complying with your orders. Protestors often use passive resistance as a political tactic, staging “sit-ins” to advance their agendas.

- Active resistance, on the other hand, 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. Examples of active resistance include attempting to pull away from an officer’s grasp, running away, getting up after being directed to the ground, and so on.
- When you physically intervene to gain control of a subject, you are using force to require the subject to comply with your orders – you must always make reasonable efforts to be sure that the subject understands what it is that you want him or her to do. In addition, you can use verbalization to help calm the subject once he or she is stabilized.
- The mode of control Alternatives includes four tactics/tools:
 - a. Escort Holds
 - b. Compliance Holds
 - c. Control Devices (OC Spray, ECD, Pepperball)
 - d. Passive Countermeasures
- Each of these is appropriate in different circumstances, as they provide different amounts of control: in general, they are arranged in increasing order of level of force and propensity for injury to the subject. As always, the appropriate choice of tactics depends on your tactical evaluation: your use of force must always be objectively reasonable.
 - a. Escort Holds: The goal of escort holds is to safely initiate physical contact. If a subject does not comply with your verbal directions, you can use an escort hold to gain control of the subject, preventing a physical confrontation.
 - b. Compliance Holds: The goal of compliance holds is to overcome passive resistance. As noted earlier, passive resistance occurs when a subject refuses to comply with a lawful directive from a law enforcement officer, but does not engage in physical action likely to cause harm to the officer or another person.
 - c. Control Devices: The goal of control devices (OC Spray, ECD, and Pepperball) is to overcome active resistance or its threat. Active resistance, unlike passive 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.

- d. **Passive Countermeasures:** the purpose of passive countermeasures is to decentralize a subject – in other words, to direct a subject to the ground. It is appropriate to use passive countermeasures if you reasonably believe that you will be unable to achieve control with the subject standing.
4. **Protective Alternatives:** The fourth mode, Protective Alternatives, include tactics and tools to protect an officer while managing continuing resistance/assaultive behavior or their threats. Continued resistance means that an individual is maintaining a level of counteractive behavior that is not controlled with the officer's current level of force. Assaultive behavior occurs when an individual's direct actions generate (or attempt to generate) bodily harm to the officer(s) and/or another person(s).
- When you physically intervene to gain control of a subject, you are using force to require the subject to comply with your orders – you must always make reasonable efforts to be sure that the subject understands what it is that you want him or her to do. In addition, you can use verbalization to help calm the subject once he or she is stabilized.
 - The mode of Protective Alternatives includes three tactics:
 - a. Active Countermeasures
 - b. Incapacitation Techniques
 - c. Intermediate Weapons (Baton, KEIP)
 - Note that these tactics may also be used as control alternatives, depending on the situation. For example, a thrust with a baton (an intermediate weapon) may be used to prevent a person from pushing into a room while officers are interviewing a victim of domestic violence. In that situation, the baton would be used as a Control Alternative rather than a Protective Alternative. Remember that Intervention Options are just that--options. You will choose the appropriate option depending on the totality of the circumstances.
 - a. **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, handcuffing, and other follow-through procedures.
 - b. **Incapacitating Techniques:** The goal of incapacitating techniques is to cause the immediate, temporary cessation of violent behavior. One such technique is taught in the DAAT system: the Diffused Strike. Like the Vertical Stun, the Diffused Strike disrupts nerve impulses to the brain. Unlike the Vertical Stun, however, the effect is usually greater, rendering the subject temporarily unconscious.
 - **Important:** Because the strike is delivered to the side of the subject's neck (the origin of the brachial plexus of nerves),

you MUST make an effort to stabilize the head to prevent striking other parts of the neck.

- c. Intermediate Weapon: The goal of using intermediate weapons is to impede a subject, preventing him or her from continuing resistive, assaultive, or otherwise dangerous behavior. Intermediate weapons include a variety of impact and other weapons designed to impede subjects. The intermediate weapon included in the DAAT program is the straight baton. The baton and kinetic energy impact projectiles are impact weapons.
5. Deadly Force: The fifth mode, Deadly Force, represents the highest level of force available to law enforcement officers. The purpose of deadly force is to stop the threat.

FOLLOW THROUGH CONSIDERATIONS

- A. The St Francis Police Department and the DAAT system recognizes and requires that following a use of force decision, an officer must take the appropriate after-care actions with the recipient of the force. Follow through considerations refers to the actions an officer takes after a use of force. Once an officer takes a subject into custody, we are responsible for that person's well-being. If force has been utilized to control a person, and control is achieved, an officer is then required to mentally shift gears to the follow through procedures. There are six phases to Follow Through Considerations:
 1. Stabilize the individual(s)
 2. Monitor/Debrief the individual(s)
 3. Search the individual(s)
 4. Escort the individual(s)
 5. Transport the individual(s)
 6. Turnover/Release, also known as process of the individual(s)
- B. Use of Restraints
 1. It should be understood that for the protection of both the person being restrained and the officer, use of restraints, such as handcuffs, reduces the likelihood of a struggle resulting in a possible injury to the offender, the officer, or both.
 2. An officer may use restraining devices in order to:
 - i. Maintain control of a subject
 - ii. Prevent escape
 - iii. Protect him/her or others
 3. An officer should never use restraining devices as punishment.
 4. It is the policy of this department that all persons placed in protective custody or under arrest shall be properly handcuffed, except in the case of cooperative, non-threatening persons, where such decision shall be at the officer's discretion.
 5. It is the policy of the Department to use handcuffs or restraining devices during all transportation, except in the case of cooperative, non-threatening persons, where such decision shall be at the officer's discretion. The following use procedures are provided:
 - i. The officer should use department approved restraints.
 - ii. Handcuffs should be applied to the person's wrists behind his/her back unless not physical possible, or other factors exist, such as:

1. Other restraining equipment is in use, i.e., belly chains.
2. Conditions exist that make it unreasonable or impossible to place handcuffs behind the subjects back. In all such cases the officer should detail in his/her written report the unusual circumstances that existed and what alternative restraining device or techniques was used.
- iii. Handcuffs should be properly fit on the subject and double locked.
- iv. The use of handcuffs should not be viewed as an absolute provision of safety. Officers should continue to exercise all due care as to the safety and custody of prisoners.

C. Searches

1. All subjects taken into custody shall be properly searched to ensure the safety of subject and officers.

D. Use of Neck Restraints/Choke Holds

1. The use of neck restraints and/or “choke holds” by personnel of the St Francis Police Department is prohibited unless the situation requires the use of deadly force.

TRAINING

- A. Training for this standard will be accomplished via a combination of training programs, which include but are not limited to New Officer Training, Field Training Officer, Inservice Training, Shift Briefing Training, and Training/Legal Update Newsletter.

Kevin M. Hunter
Chief of Police

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

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