



POLICY & PROCEDURE

ST. FRANCIS POLICE DEPARTMENT

SUBJECT: **DEADLY FORCE**

SCOPE: All Sworn Personnel

DISTRIBUTION: Policy & Procedure Manual

REFERENCE: WI State Statutes: 939.45, 939.48, and Chapter 941; DAAT Incident Response and Disturbance Resolution Model

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INDEX AS: Deadly Force
Reports-Deadly Force
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PURPOSE: The purpose of this Policy & Procedure is to provide law enforcement officers of this agency with guidelines for the use of deadly force.

This Policy & Procedure consists of the following numbered sections:

- I. INTRODUCTION
- II. DEFINITIONS
- III. POLICY AND PROCEDURE

I. INTRODUCTION

The legal and policy guidelines presented in this standard provide a conceptual backdrop for the use of deadly force, but does not provide very specific guidelines. The following section describes the specific criteria that must be present for law enforcement use of deadly force to be legitimate.

Officers shall use that amount of force that is reasonably necessary to achieve a lawful objective. The force used by an officer should be the amount reasonably

necessary to overcome the resistance being offered by an offender or the subject the officer is trying to control.

II. 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. **DEADLY FORCE JUSTIFICATION:** Subject behavior which has caused or imminently threatens to cause death or great bodily harm to you or another person or persons.
- C. **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.
- D. **TARGET SPECIFIC DIRECTED FIRE:** Purposeful, controlled, sustained fire directed at a perpetrator who has caused or imminently threatens to cause death or great bodily harm to you or others, but whom you may not be able to clearly observe.
- E. **GREATER DANGER EXCEPTION:** The one exception to the requirement for target isolation is called the greater danger exception. Essentially, this exception allows the officer to use deadly force without target isolation if the consequence of not stopping the threat would be worse than the possibility of using deadly force on an innocent person.
- F. **PRECLUSION:** Before deadly force can be used, the officer must reasonably believe that all other options have been exhausted or would be ineffective. In other words, deadly force is always a last resort.

III. POLICY AND PROCEDURE

A. USE OF DEADLY FORCE

- 1. Officers are authorized to use deadly force when one or both of the following apply:
 - a) To protect the officer or others from what the officer reasonably believes is an imminent threat of death or great bodily harm.
 - b) To prevent the escape of a fleeing violent felon whom the officer reasonably believes will pose an imminent threat of death or great bodily harm to the officer or others.
- 2. To meet the criterion of "imminent threat," the person whom the

officer is intending deadly force must have all of the following:

- a) The displayed or indicated intent to cause great bodily harm or death to the officer or another person(s).
 - b) A weapon which the officer reasonably believes is capable of inflicting great bodily harm or death.
 - c) The delivery system for utilization of that weapon (i.e., the capacity for utilization of the weapon).
3. After an officer has reached preclusion, meaning all other reasonable alternatives have been exhausted or would be ineffective, and deadly force is necessary to stop the person, the officer must fulfill certain "target requirements." Prior to using deadly force, the officer must have target acquisition, target identification, and target isolation. These are defined as
- a) Target Acquisition: That is, does the officer have a target?
 - b) Target Identification: That is, even if a target has been "acquired," the officer cannot shoot at this target until the target has been identified as the individual placing the officer and/or others in "imminent danger."
 - c) Target Isolation: The officer must make every effort to isolate the target from other innocent persons, unless the Greater Danger Exception is applicable.
4. An officer shall not threaten the use of deadly force unless he/she would be justified under this policy to use such force. Before using deadly force, the officer should, if possible:
- a) Attempt to identify him/herself
 - b) Order the suspect to desist from the imminently threatening activity
 - c) Threaten to use deadly force if the officer's lawful order is not obeyed.

B. WARNING SHOTS

1. Warning shots are prohibited.

C. SHOOTING AT/OR FROM MOVING VEHICLES

1. A moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. If feasible, an officer threatened by a moving vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Officers are not

authorized to shoot at or from a moving vehicle unless as a “last resort” or when the “Greater Danger Exception” applies.

D. TARGET-SPECIFIC DIRECTED FIRE

1. Target-specific directed fire is purposeful, controlled, sustained fire directed at a suspect who has caused or imminently threatens to cause death or great bodily harm to officers or others, but whom the officer may not be able to directly observe. Target-specific directed fire is an application of deadly force that may be appropriate in certain limited situations.
 - a) The only difference between target-specific directed fire and “traditional” law enforcement use of deadly force is the suspect’s location is inferred rather than directly observed. In both traditional deadly force and target-specific directed fire, officers utilize carefully-aimed shots directed at the suspect to stop the threat, when the suspect’s actions justify the use of deadly force.
2. The purpose of target-specific directed fire is to stop the threat when no other reasonable course of action would allow officers to perform a rescue, escape from danger, or otherwise prevent death or great bodily harm to the officer or another person.
3. Target specific directed fire requires the fulfillment of all law enforcement deadly force concepts as previously stated (i.e., imminent threat, preclusion, and target requirements)
4. Officers must acquire a specific target, and also identify him/her/them as the correct target, by observing clear indicators of the suspect’s location, although they may not be able to observe the suspect. This may be achieved, for example, through officers’ direct observation of indicators such as muzzle flashes, or smoke originating from a suspect’s firearm. Indicators could expand the target; for example, observation may reveal multiple perpetrators and/or multiple shooting positions.
5. Only when all these criteria are met, officers may deliver target-specific directed fire at a suspect(s) location for a duration of time necessary to perform a task such as a rescue, thereby stopping the threat or preventing the suspect from firing at officers.

E. DESTRUCTION OF AN ANIMAL

1. Officers may use deadly force to destroy an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured. The officer must reasonably believe this measure can be safely carried out. Nevertheless, prior to using

deadly force to destroy an injured animal, the following resources must be explored and reasonably ruled out:

- a) Domestic Animals: The Milwaukee Area Domestic Animal Control Commission (MADACC) should be notified for cases of sick or injured domestic animals. During non-business hours or if MADACC cannot respond in a reasonable amount of time, the Milwaukee Emergency Center for Animals will accept injured domestic animals.
- b) Wild Animals: If an injured wild animal can be safely contained, the Wildlife Rehabilitation Center should be notified. The animal may either be picked up by a WRC employee or dropped off by an officer.
- c) The DNR must be notified a protected wild animal is found seriously injured, destroy, or deceased. Any wild animal found to be injured or destroyed as a result of a hunting-related incident will also require DNR notification.

F. First Aid and Medical Assistance

1. When a person is injured as a result of deadly force applied by an officer, and after both the subject and the immediate scene are secure, officers on the scene will provide first aid to their level of training and request medical assistance.

G. Required Notifications

1. Whenever an officer is responsible for the intentional or unintentional use of deadly force by any means against a person, the following notifications shall be made:
 - a) The officer shall verbally inform dispatch of the incident as soon as practical.
 - b) Dispatch shall immediately inform the shift supervisor, if the supervisor is not already on scene.
 - c) The Chief of Police, Police Captain, and Police Lieutenant will all be contacted and informed of the incident as soon as practical. The Detective Bureau will also be called and ordered in for duty.
 - d) The Milwaukee Area Investigative Team (MAIT) will also be notified and activated following an officer's use of deadly force incident.

Prior to being authorized to carry a firearm, all officers shall receive a copy of this Policy & Procedure and demonstrate their understanding of the procedures within the Policy & Procedure.

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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