



POLICY & PROCEDURE

ST. FRANCIS POLICE DEPARTMENT

SUBJECT: **NON-DEADLY FORCE OPTIONS**

SCOPE: All Sworn Personnel

DISTRIBUTION: Policy & Procedure Manual

NUMBER: 5.03

ISSUED: 03/02/2021

EFFECTIVE: 03/02/2021

X RESCINDS 3-465

AMENDS

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

WILEAG STANDARDS: 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.2.1, 5.3.1, 5.3.2, 12.1.1.1, 12.1.1.3, 12.1.3.1, 12.1.3.5

INDEX AS:

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

PURPOSE:

There are several intervention options within the use of non-deadly force that require empty hand control techniques such as compliance holds, escort holds, passive and active countermeasures. The purpose of this Policy & Procedure is to address equipment that is issued and approved by this department for Non-Deadly Force Options, commonly referred to as "Less Lethal Weapons."

This Policy & Procedure consists of the following sections:

- I. POLICY
- II. DEFINITIONS
- III. SPECIFIC PROCEDURE AND GENERAL GUIDELINES
- IV. NON-DEADLY FORCE OPTIONS
- V. 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. The availability of less lethal force options can assist officers in de-escalation of potentially violent confrontations and provide additional alternatives to the use of deadly force. Options of this nature are used by police officers to restrain, control and stop subject while causing less harm than deadly force to the individual as well as the officer and any nearby persons.
- 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

- CEW CARTRIDGE: A single use item that is identified by a serial number. Each cartridge contains two dart probes deployed at 160 ft/s by a 180 psi-flammable nitrogen capsule.
- 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 the subject with a minimal potential for causing death or great bodily harm.
- DART PROBES: Barbed metal probes attached to insulated wiring that is deployed from the CEW cartridge.
- 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.
- DRIVE STUN: When contact is made by pressing the front of the CEW onto the body of a subject and activating the CEW. The drive stun causes localized pain in the area touched by the CEW.
- GLASS BREAKER ROUND: A solid polymer sphere designed to be fired from a Pepperball launcher. The round is used for breaking out residential style windows and side windows on vehicles. This round type is not to be fired at a subject unless deadly force is justified.

- **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.
- **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.
- **LIVE OC PEPPERBALL**: A plastic sphere filled with an OC type powder which is fired from a Pepperball launcher. Upon impact, the round burst causing the release of the OC powder, causing an OC exposure effect on the targeted subject. When fired directly at a subject, the round can cause a lower level kinetic energy impact effect (10-12 ft/lbs).
- **NON-DEADLY FORCE**: An amount of force that, under normal circumstances, would not be expected to result in great bodily harm or death.
- **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 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.
- **TASER X26/X26P**: A name brand/model CEW that has been approved for use by the St Francis Police Department.

SPECIFIC PROCEDURE AND GENERAL GUIDELINES

- A. Where deadly force is not authorized, officers may use only that level of force that is objectively reasonable to bring an incident under control.
- B. Officers are authorized to use department-approved, non-deadly force techniques and equipment to:
 1. Protect the officer or others from physical harm;
 2. Overcome continued resistance, assaultive behavior, or its threat;
 3. Bring an unlawful situation safely and effectively under control.
- C. Under normal circumstances, the deployment of Non-Deadly Force Options is not designed to cause great bodily harm and/or death. Situations may occur that are out of the control of the officer, including, but not limited to sudden movements of the subject(s), unknown medical conditions, or the use/ingestion of controlled substances. These situations may result in a greater propensity for injury, including great bodily harm and/or death.

NON-DEADLY FORCE OPTIONS

- A. Baton
 1. The use of both the expandable and straight baton as a primary intermediate (impact) weapon is authorized. Uniformed officers shall be required to have a department approved expandable baton on their person while on duty.

2. The use of authorized batons is permitted against an actively aggressive/assaultive subject when the officer reasonably believes that lesser force options would be ineffective or would expose the officer to bodily harm.
3. Intentional striking above the shoulders is considered a non-target area due to the potential for causing permanent injury or death. Any intentional striking to this area shall require individual justification in which deadly force would be authorized.

B. Oleoresin Capsicum (OC) Spray

1. Officers may use OC spray when a subject actively resists, threatens to actively resist and poses an articulable threat of harm to an officer or other person(s). Passive resistance without posing an articulable threat of harm to officers or others does not permit the use of OC spray.
2. Officers who use OC spray against a subject shall ensure the subject is decontaminated as soon as practical after he or she is under control.
3. If possible, expose the subject to fresh air and flush the exposed area with cold water. A SFFD ambulance may be summoned if deemed necessary to assist with decontamination.
 - a. If the exposed subject has an unusual reaction or request medical attention, transportation to a medical facility shall be arranged.
 - b. The SFPD sally port eye wash station and the booking room shower may be utilized to assist with decontamination.
4. Only non-flammable, department approved OC spray shall be used by officers.

C. Conducted Electrical Weapon (CEW)

1. A CEW is a non-lethal conducted energy weapon that uses nitrogen propelled wired probes to conduct energy. Once deployed, it allows officers an opportunity to gain control of a subject with minimal risk of injury.
2. Only CEW units and accessories approved by the Chief of Police shall be utilized by members of the department for duty use.
3. Only officers who have successfully completed an approved training course concerning CEW use are authorized to carry the device.
4. Uniformed officers shall carry a CEW while on-duty, if a CEW is available. Officers in plain clothes and on assignment in an undercover role are encouraged to carry a CEW, unless that action is not feasible based on the assignment.
5. CEWs are a control device as articulated by the DAAT system, and are designed to overcome active resistance or its threat. Active resistance involves a person who is physically counteracting an officers control efforts, or is threatening to physically counteract an officers control efforts.
6. Officers shall utilize a CEW in accordance with DAAT system and the AXON certification training. The approved uses of a CEW is as follows:
 - a. Spark Display – A non-contact demonstration of a CEW’s electrical arcing.
 - Not recommended unless a back-up officer is present as it requires the CEW cartridge to be removed.
 - b. Drive Stun – Contact is made by pressing the front of the CEW into the body of a resisting subject causing pain compliance.

- c. Probe Deployment – The firing of CEW probes at a subject in an attempt to cause neuromuscular incapacitation. When practical, the officer firing the CEW shall shout the word “Taser” in order to alert other officers on the scene that a discharge is about to occur.
 7. The subject should be secured as soon as practical while disabled by CEW power to minimize the number of deployment cycles. In determining the need for additional energy cycles, officers should be aware that an energized subject might not be able to respond to commands during or immediately following exposure.
 8. Officers should be aware of the greater potential for injury when using a CEW against children, the elderly, persons of small stature irrespective of age, or those who the officer has reason to believe are pregnant, equipped with a pacemaker, or in obvious ill health.
 9. As with all uses of force, when a CEW is utilized, and control and compliance is achieved, then the aftercare of the subject shall be of high priority to the officer. EMS should be utilized promptly, following a CEW deployment, if any sign of injury exists. EMS should also be utilized promptly if the CEW probes are imbedded in sensitive tissue areas, i.e. neck, face, groin, or female breast.
 10. Following a deployment, the probes of the CEW shall be handled as a biohazard, with the officer or EMS using personal protective equipment (rubber gloves), when touching or packaging them.
 11. Following a deployment, the cartridge, probes, and wires should be packaged, photographed and kept as evidence for 30 days unless circumstances dictate them to be held as evidence for a longer period of time.
 12. Following a deployment, the SFPD Incident Report narrative concerning the deployment shall include the CEW and cartridge serial numbers, so the firing data can be retrieved at a later date if necessary.
 13. A CEW is not an appropriate response in a situation where the target subject poses an imminent threat of great bodily harm or death to an officer or another person, unless the officer utilizing the CEW has a cover officer present who is capable of immediately delivering deadly force.
 14. When certain factors are present, an officer who is considering a CEW deployment should take into consideration the risk associated with those factors. Elevated risk factors which may preclude the use of an CEW include:
 - a. The presence of flammable materials
 - b. The target subject located in an elevated position
 - c. The target subject operating a vehicle
 - d. The target subject is located in water of sufficient depth to drown him/her.
 - e. The target subject is holding a firearm
- D. Pepperball Launcher
1. Officers may only use the Pepperball delivery system that has been authorized by the Chief of Police.

2. Trained department personnel may use the Pepperball delivery system when a subject poses an imminent threat to another person or a threat of great bodily harm to him or herself.
3. Pepperballs should not be used in a situation where the subject poses an imminent threat of great bodily harm or death to an officer or another person (including the subject) unless another officer is present and capable of immediately delivery deadly force.
4. The Pepperball system has two ammunition types; Live OC rounds and Glass Breaker rounds.
5. The Pepperball system provides multiple uses dependent on the technique that is utilized. The techniques are as follows:
 - a. The Saturation technique may be utilized to deliver OC to an area when the use of OC is justified, but it is unsafe for an officer to approach a subject within an effective range of liquid OC. This technique would fall under the control devices.
 - Rounds can be fired near the subject, creating a cloud of OC powder, creating an OC exposure effect.
 - The saturation technique can be effective at distances up to 150ft.
 - Officers shall utilize the same decontamination procedure as OC exposure for the subject.
 - b. The Direct Impact technique may be utilized by firing the Live OC rounds directly at the subject causing an OC effect as well as a low level kinetic energy impact effect. This technique may be used if a subject presents active resistance or its threat.
 - Direct impact shots should not be utilized at distances over 60 feet unless overriding concerns exist.
 - c. Pepperball Live OC rounds may be targeted at a subject in accordance with the following guidelines:
 - Primary Target Areas: Legs, Buttocks and Arms
 - Secondary Target Area: Lower Abdomen
 - Officers should not intentionally fire at a subjects head or neck unless the use of deadly force is justified.
 - Subjects who are struck by a Pepperball shall be examined by EMS following that exposure.
 - d. The Glass Breaker rounds may be utilized to break-out residential window glass and/or side-window vehicle glass. Once the window has been effectively broken, Live OC rounds can be utilized on the subject. This would apply to a subject that is barricaded in a room and/or vehicle and refusing to exit. Glass breaker rounds shall never be fired at a subject unless deadly force is authorized.
 - Glass breaker rounds should not be fired at distances over 30 feet.

E. Kinetic Energy Impact Projectiles (KEIP)

1. Officers may only use KEIP's and delivery systems that are authorized by the Chief of Police. Officers must be properly trained and shown competency with the delivery system prior to use.
2. Trained department personnel may use KEIP's when a subject poses an imminent threat of bodily harm to another person or a threat of great bodily harm to him or herself.
3. KEIP's should not be used in a situation where the subject poses an imminent threat of great bodily harm or death to an officer or another person (including the subject) unless another officer is present and capable of immediately delivery deadly force.
4. Officers shall use dedicated 12 gauge shotguns that are marked less lethal. Officers shall make sure non-lethal ammunition is loaded into a less lethal shotgun before deployment. No lethal ammunition shall be loaded or stored with the less lethal shotguns.
5. When deploying a 12 gauge Shotgun as a KEIP delivery system, the officer shall transition the weapon from lethal ammunition to KEIP's. The transition process shall be taught during firearms training. When possible, a second officer should observe the unloading of lethal ammunition from the shotgun, and the reloading of KEIP's into the shotgun.
6. KEIP's may be targeted at a subject in accordance with the following guidelines:
 - a. The legs and buttocks are the primary target areas. The arms may also be a primary target under some circumstances. Primary target areas shall be considered when incapacitation is necessary but the threat being exhibited by the subject is not imminent. Multiple impacts to the target areas should be considered before progressing to a secondary target area.
 - b. The secondary target area is the lower abdomen. The secondary target area should be considered when incapacitation is critical due to the imminent threat posed by the subject.
 - c. Intentional impact with the head, neck, and chest area shall be avoided unless the use of deadly force is justified.
 - d. Subjects who are struck by a KEIP shall be examined by EMS following that exposure.

F. Canine

1. The use of a canine to apprehend a subject is considered a use of force under this policy. The level of force is dependent upon the technique utilized by the canine officer. For example, having the canine out of the squad would be a proper utilization of presence, and utilizing a canine bite would be a proper utilization of a protective alternative.
 - a. See the Canine Policy 6.28 for further information regarding the utilization and justification of a canine as a use of force.

G. Delivery Equipment – Other

1. The St Francis Police Department recognizes that use of force situations are often dynamic in nature. It is not our intention to limit St Francis Police personnel

in the appropriate application of force by articulating that only the aforementioned tools may be used. It is also possible that the appropriate application of force may include techniques or tools which are not included in the DAAT system. Therefore, the application of force and the tools utilized to assist with the application of force, will be ultimately judged on whether that force, or tool used, is justifiable under the circumstances.

TRAINING

- A. Officers authorized to deploy Non-Deadly Force Options shall receive designated training and certification as required by this department and shall re-qualify with the weapon.
- B. Officers shall receive agency-authorized training specifically designed to simulate actual deployment situations and conditions to enhance officers' discretion and judgment in using Non-Deadly Force Options.
- C. Additional 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, On-Shift, and Training/Legal Update Newsletters.

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.

Initial 04/12/2013
Updated 03/02/2021